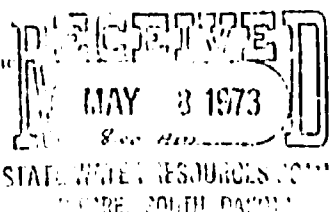


987-1

1. Considered JULY 18<sup>th</sup>, 1973
2. Name of Applicant RONALD W. PHILLIPS
3. Post Office Address NEW UNDERWOOD
4. Amount of water claimed 3.10
5. Source of water supply WEST ELM CREEK & WAGNER DRAW
6. Water to be used for IRRIGATION  
Acres to be irrigated 217
7. Water to be diverted and used in MEADE County  
about 23E 7S 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. 987-1Map No. 815-1 Water Division No. 1 BELLE FOURCHE RIVER District  
(Blanks to be Filled by the Engineer for the W. R. C.)

## APPLICATION FOR PERMIT

## To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant William Scott Phillips  
Postoffice address New Underwood, SD 57761 State South Dakota  
If a corporation show date and place of incorporation Private enterprise
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contracting
3. Name of diversion work Phillips Elm Creek and Wagner Draw Project
4. Amount of water claimed (cubic feet per second) 3.10 cfs
5. Source of water supply West Elm Creek and Wagner Draw (Tributary)
6. Location of point of diversion Between a point 1050' N 90° E of N½ Cor, Sec. 17, T5N, R11E, BHM, and a point 1050' N 90° W of SE ¼ Cor, Sec. 16, T5N, R11E, BHM  
BETWEEN POINTS 1050' N 90° E OF N½ COR, SEC. 17, AND 1050' N 90° W OF SE ¼ COR, SEC. 16, T5N, R11E, BHM  
County Meade
7. Annual period or periods during which water is to be used April 1st to November 1st
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 217

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

10. 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.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Sturgis Tribune
12. Principal Features of the Proposed Water Supply System:

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

Spreader dike and pumps and ditches

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

Dikes and ditches

C. Works proposed to apply water to beneficial use.

Pump, dikes and ditchesEstimated Total Cost \$ 2500Attachments: 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

County of MeadeI, Ronald W. 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.Subscribed and sworn to before me this 1st day of March 1973Signed Ronald W. Phillips  
Notary Public  
Notary Public (or other qualified officer)

PLAT OF THE PHILLIPS WEST RIM CREEK AND WAGNER DRAIN PROJECT  
 Located in Sections 16 and 17, Township 5 North, Range 11 East of the BHM in  
 Meade County, South Dakota, drawn and prepared as a part of the Application  
 for Permit to appropriate water of Ronald W. Phillips, New Underwood, South  
 Dakota, to supply water for irrigation of areas as shown on this plat.

**SURVEYOR'S CERTIFICATE**

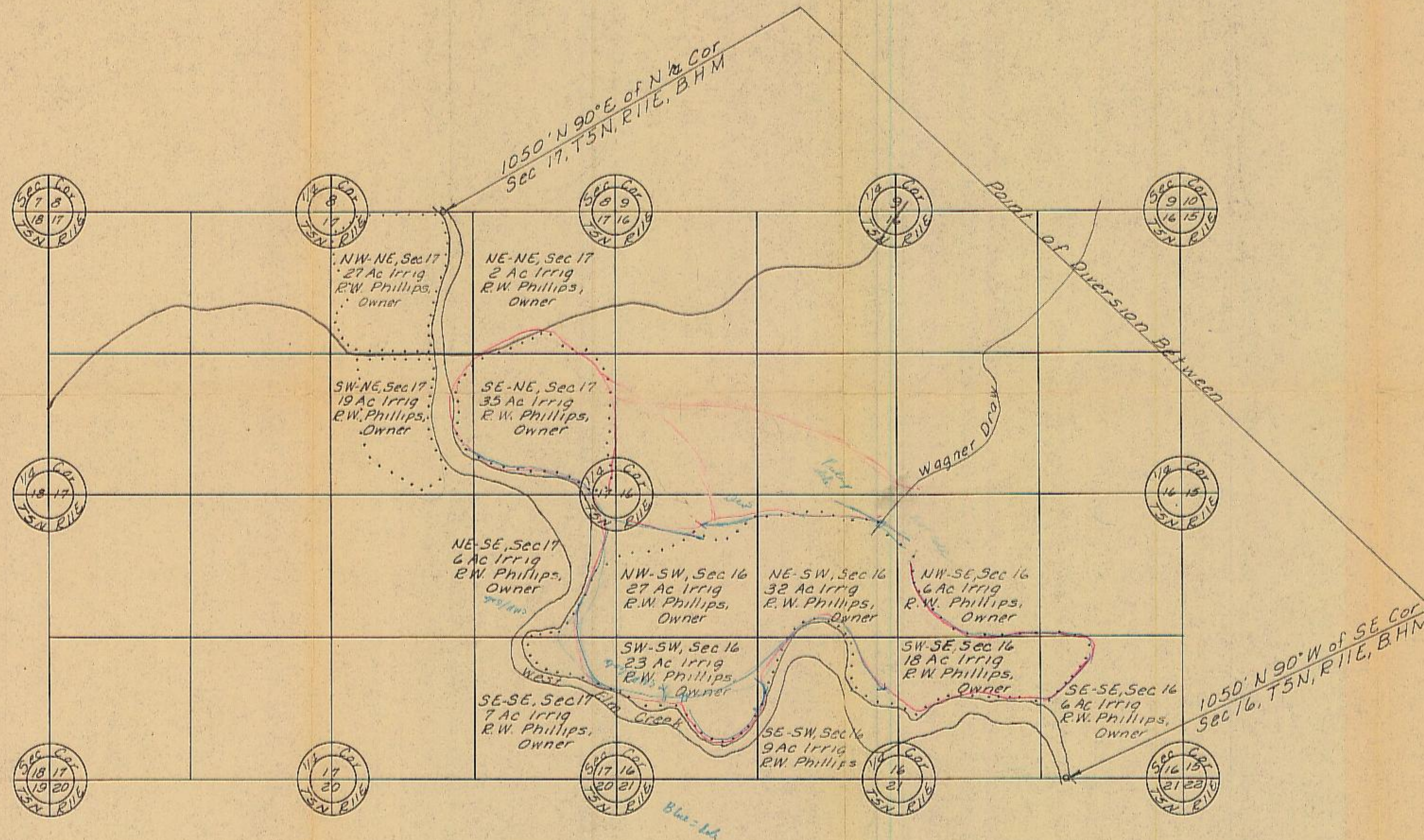
I, William C. Brungle, registered Land Surveyor in and for the state of South  
 Dakota, do hereby certify that at the request of Ronald W. Phillips, I have made  
 a survey and have prepared this plat as a part of his application for a Permit to  
 appropriate water for irrigation. I further certify 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. Brungle  
 William C. Brungle  
 Registered Land Surveyor #1517 (SEAL)

Subscribed and sworn to before me this 23rd day of April, 1971.

Lorenza Brungle  
 Lorenza Brungle  
 Notary Public (SEAL)

LORENZA BRUNGLE  
 Notary Public in and for the State of South Dakota  
 My Commission Expires May 1972



N  
 Scale: 1" = 660'

Notes: See Aerial photo for final inspection information  
 and used for planning.  
 Edg. Memo. 8/12/71

PLAT OF THE PHILLIPS WEST RIM CREEK AND WAGNER DRAW PROJECT  
 Located in Sections 16 and 17, Township 5 North, Range 11 East of the BHM in  
 Meade County, South Dakota, drawn and prepared as a part of the Application  
 for Permit to Appropriate Water of Ronald W. Phillips, New Underwood, South  
 Dakota, to supply water for irrigation of areas as shown on this plat.

SURVEYOR'S CERTIFICATE

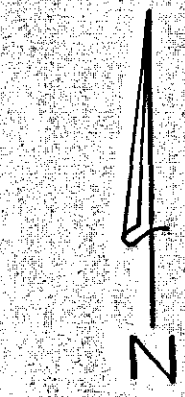
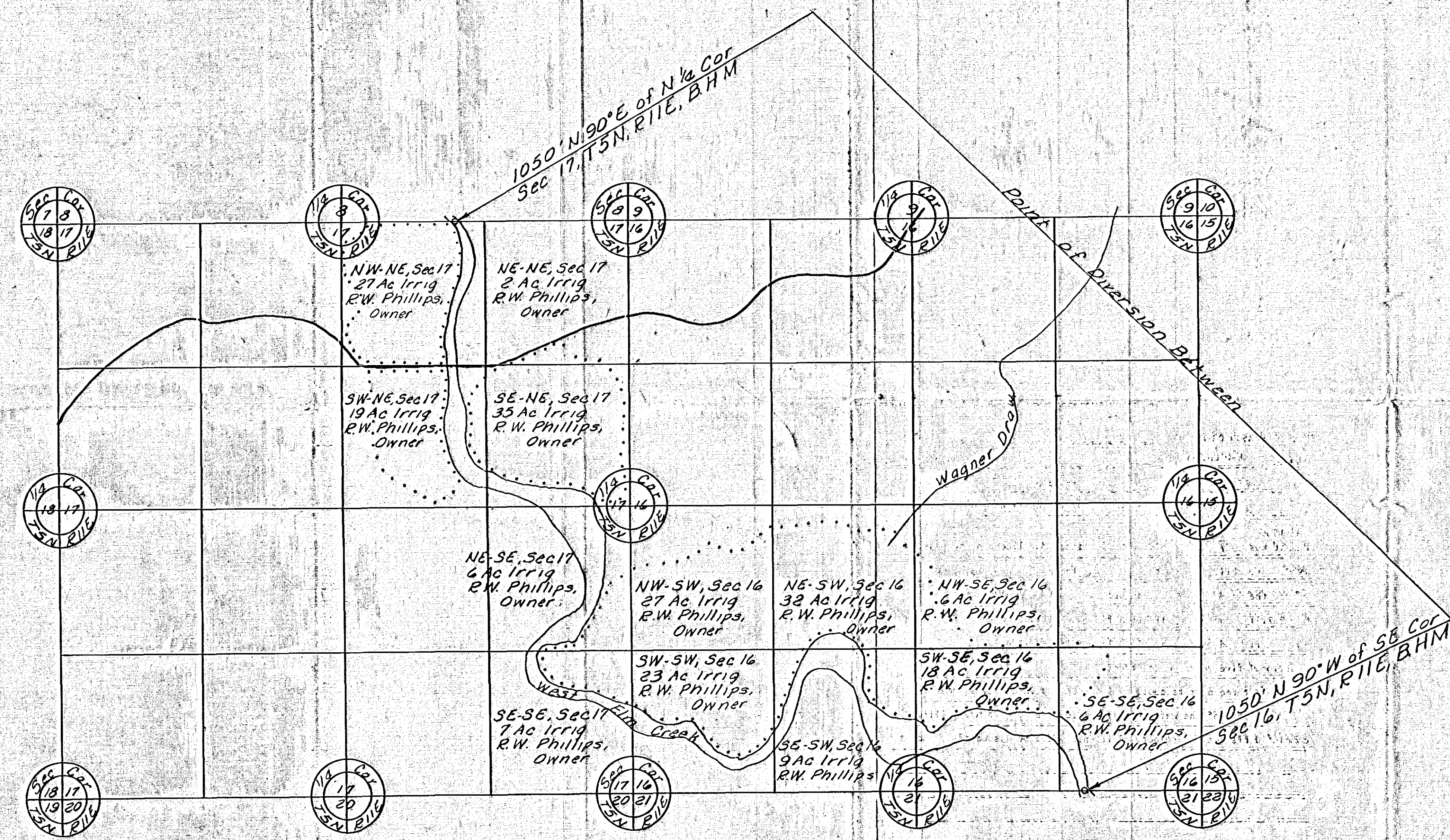
I, William C. Brangle, Registered Land Surveyor in and for the State of South  
 Dakota, do hereby certify that at the request of Ronald W. Phillips, I have made  
 a survey and have prepared this plat as a part of his Application for a Permit to  
 Appropriate Water for irrigation. I further certify 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. Brangle*  
 William C. Brangle  
 Registered Land Surveyor #1517 (SEAL)

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

*Lorence Brangle*  
 Lorence Brangle  
 Notary Public (SEAL)

FLORENCE BRANGLE  
 NOTARY PUBLIC HARDING CO., S. DAK.  
 My Commission Expires Aug. 3, 1978



Scale: 1" = 440'

# WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 987-1  
RONALD W. PHILLIPS STAR 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 221

WATER RIGHT PERMIT NO. 987-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 987-1 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 3.10 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 Pincoff  
 Chief Engineer, Executive Officer

Certificate of Construction Issued --- 19 ---

Water License Issued --- 19 ---

Section 17, T 5 N, R 11 E, BHM.

|                                   |    |
|-----------------------------------|----|
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 27 |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 2  |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 19 |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 35 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 6  |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 7  |

Section 16, T 5N, R 11 E, BHM.

|                                   |    |
|-----------------------------------|----|
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 27 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 32 |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 23 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 9  |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 6  |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 18 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 6  |

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

No. 987-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Meade ) ss.

I, Teresa 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. Publisher, Inc., Sturgis

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

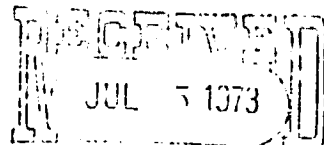
June 13, 20

Teresa Shoun  
(Signature)

Bookkeeper  
(Title)

June 27, 1973  
(Date Signed)

B. H. Jones



STATE WATER RESOURCES COMMISSION  
PIERRE, SOUTH DAKOTA

No. 987-1  
**NOTICE INTENT TO  
APPROPRIATE WATER**  
Pierre, South Dakota 57501  
June 4, 1973

Notice is hereby given that Ronald W. 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 1.10 cubic feet of water per second of time from West Elm Creek and Wagner Draw through the Phillips Elm Creek and Wagner Draw Project, the point of diversion of which is to be located between points in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 17, and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 16, Twp. 5N, Range 11E. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 17; SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 16, T5N, R11E.

This application No. 987-1 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 1, 1973

J. 987-1

Publish first publication, on or before July 4, 1973

NOTICE  
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

~~11 June 6~~, 1973

Notice is hereby given that Ronald W. 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

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

between points in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 17, and in the SE $\frac{1}{4}$  SE $\frac{1}{4}$

of Section 16, Twp. 5N, Range 11E. Said water to be used for the purpose  
of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$ , E $\frac{1}{2}$  SE $\frac{1}{4}$ , Section 17; SW $\frac{1}{4}$ , W $\frac{1}{2}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16,  
T5N, R11E

This application No. 987-1 will be considered by the Water Resources Commission at their office at  
Pierre upon the 11th 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: Ronald W. Phillips, Star Route, New Underwood, S.D. 57761

Jan. 3, 1977  
New Underwood  
So. Dak.

Water Rights Commission  
Joe Foss Building  
Pierre, So. Dak. 57501

Dear Sir;

Please excuse the  
tardiness of this reply.  
In regards to water  
right no. 987-1 issued to  
Ronald W. Phillips, the  
land has been sold to  
me, William Scott Phillips.  
I am unfamiliar with  
the necessary steps to  
have the water rights  
transferred. I wish to  
continue the use of these  
rights and do plan to

irrigate from the creek  
if at all possible.

Please inform me of  
my responsibilities as a  
holder of Water Right  
no. 987-1, and of the  
necessary steps to have  
it transferred to my  
name, and of the  
necessary steps I must  
make to retain it in  
the future. Any help  
will be greatly appreciated!

Sincerely,  
Wm. Scott Phillips

Division of Water Rights (605) 773-3332

February 12, 1981

Scott Phillips  
Star Route  
New Underwood, SD 57761

Dear Mr. Phillips:

As per your request of this date, enclosed is a map showing the land to be irrigated as covered under Permit No. 987-1.

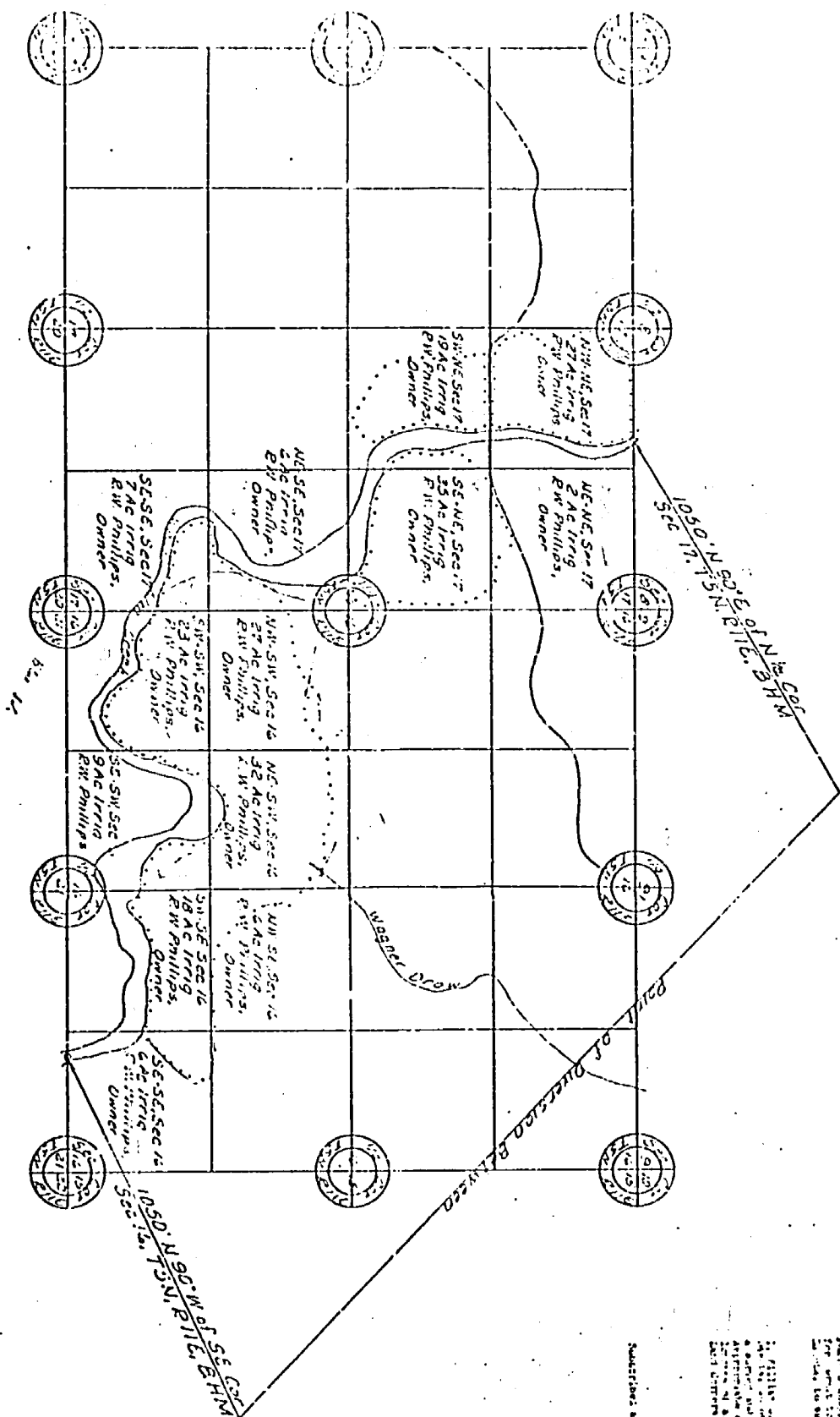
Sincerely,

GENNY YOUNG  
Staff Assistant

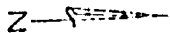
gy

encl

Section maps:



Scale: 1"=400'



M.O. 12 E 15.1 200. 10000

1050' N. 90° E. 1/2 C. 1/2 S. 1/2 W. of S.E. 1/4 Sec 16'

1050' N. 90° W. of S.E. 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

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NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

NE 1/4 Sec 16'

Form 20.

987-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission  
State Office Building No. 2  
Pierre, South Dakota 57501

Date Jan. 16, 1977

This is to notify you that title to the lands described as follows:

|                                                                                    |                                              |
|------------------------------------------------------------------------------------|----------------------------------------------|
| Section Three: South $\frac{1}{2}$ of the SW $\frac{1}{4}$                         | Section 16: S $\frac{1}{2}$                  |
| Section Eight: S $\frac{1}{2}$ SE $\frac{1}{4}$                                    | Section 17: E $\frac{1}{2}$                  |
| Section Ten: W $\frac{1}{2}$ , SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ | Section 20: N $\frac{1}{2}$ NE $\frac{1}{4}$ |
| Section 15: W $\frac{1}{2}$ , NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$  | Section 21: NE $\frac{1}{4}$                 |

formerly owned by

Ronald W. Phillips

has been transferred to Wm Scott Phillips

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 987-1 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA )  
County of Pennington ) ss.

I, William Scott 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 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 1<sup>ST</sup> day of February, 1977.

Wm Scott Phillips  
(Notary Public)



PLEASE FILL OUT AND RETURN AT ONCE

This is the Water Management Board data sheet for recording 1986 irrigation estimates.

November, 1986

987-1  
WILLIAM S PHILLIPS  
S R BOX 17  
NEWM UNDERWOOD  
SD 57761

NO/BF

SURFACE WATER ☒ (check one)  
GROUNDWATER ☐

For Dept. use only

Number of acres actually irrigated 50 acres  
if you did not irrigate during 1986-check this box ☐  
if your system has not been constructed-check this box ☐

*Relict  
10/21/86*

| Type of Power        | No. acres irrigated |
|----------------------|---------------------|
| 1. Electric          |                     |
| 2. Gravity           | <u>50</u>           |
| 3. Gasoline          |                     |
| 4. Nat. Gas pipeline |                     |
| 5. Diesel            |                     |
| 6. Propane           |                     |
| 7. Other             |                     |

| Type of system        |
|-----------------------|
| 1. Hand Moved Siphons |
| 2. Portable Pump      |
| 3. Center Pivot (H)   |
| 4. Gate Valves        |
| 5. Sidewheel          |
| 6. Siphons            |
| 7. Big gun            |
| 8. Siphons            |
| 9. Flood              |
| 10. Other             |

Owner or address change, if any:

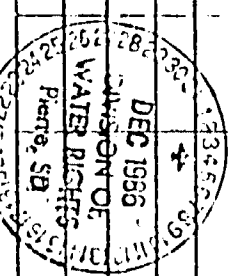
| Month        | # days pumped | Average # hours per day | Average pump rate (gpm) | Acres of Crop Irrigated and Estimate Water Use |       |            |      |       |
|--------------|---------------|-------------------------|-------------------------|------------------------------------------------|-------|------------|------|-------|
|              |               |                         |                         | Crop                                           | Acres | Water Used | Crop | Acres |
| April        |               |                         |                         | grass                                          | 50    |            |      |       |
| May          |               |                         |                         |                                                |       |            |      |       |
| Jun          |               |                         |                         |                                                |       |            |      |       |
| Jul          |               |                         |                         |                                                |       |            |      |       |
| August       |               |                         |                         |                                                |       |            |      |       |
| Sept.        |               |                         |                         |                                                |       |            |      |       |
| Oct.         |               |                         |                         |                                                |       |            |      |       |
| Other Months |               |                         |                         |                                                |       |            |      |       |

Season starts water level: Beginning \_\_\_\_\_ ft. end \_\_\_\_\_ ft. (Provide only)

Comments: Complete and return to: WATER MANAGEMENT BOARD

*I have surface irrigation ditch only.*  
Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3161

*I was not pumpin a ditch means  
I gave water. I depend on water right or lease  
rights to fill my ditch.*





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

NOV 12 1987

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