

LOCATION NOTICE

P-72

478-1

KNOW ALL MEN BY THESE PRESENTS:

THAT Lewis Henry Erard whose post office is White Oak, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: Sec 3 and 8 E 24 N 8 E 14 township Seven north range Twelve East B. H. M. in Beade County, South Dakota. Said lands comprising Desert Entry No. 0017 of Gapid City Land District, availing himself of the right granted him under the provisions of Section 31 of Chapter 189 of the Session Laws of South Dakota of 1907, has located and claims the right to construct a certain dam across a dry draw situated in the N 1/4 of the SW 1/4 section Eighteen township Seven N range Twelve E B. H. M. and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose Five cubic feet of water per second during the following described annual periods: January 1st to December 31st inclusive each year.

The location of the point of diversion of the reservoir is as follows:

From the lower west end of the dam.

The ditch will run in a southeasterly direction to and on said land for a distance of 2065 feet.

Said location was made on the 1st day of June 1910
Witness my hand and seal this 12th day of October 1912
Lewis Henry Erard Locator.

State of South Dakota,
County of Beade

On the 12th day of October 1912, before me Tom H. Johnston, a notary public in and for the County and State aforesaid, personally appeared Lewis Henry Erard to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal, the day and date above written.
Tom H. Johnston Notary Public.

Pierre, South Dakota, October 22nd 1912.

This is to certify that the foregoing location notice was received at this office at 9 o'clock AM upon the 22nd day of October 1912, and after examination it was filed for record.
Samuel H. Lee State Engineer.

LOCATION NOTICE

P-70

476-1

476-1

KNOW ALL MEN BY THESE PRESENTS:

Benjamin Henry Erard whose post office is *White Oak*, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: *Section 18, Township 48N, Range 112E, B. H. M.* in *Meade* County, South Dakota. Said lands comprising Desert Entry No. *02156* *Gapid City* Land District, availing himself of the right granted *him* under the provisions of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to construct a certain dam across a dry draw situated in the *SE 1-4* of the *N 1-4* section *Eighteen* township *48N*, range *112E*, B. H. M. and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose *Seven* cubic feet of water per second during the following described annual periods. *January 1st to December 31st* inclusive each year.

The location of the point of diversion of the reservoir is as follows:

From the *Southwest* end of the dam

The ditch will run in a *Southwesterly* direction to and on said land for a distance of *15 1/2* feet long

Said location was made on the *1st* day of *June* 1910

Witness my hand and seal this *12th* day of *October* 1912

Benjamin Henry Erard

Locator.

State of South Dakota,

County of *Meade*

On the *12th* day of *October* 1912, before me

Samuel Johnston, a notary public in and for the County and State aforesaid, personally appeared *Benjamin Henry Erard* to me personally known to be the person who executed

the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth

Witness my hand and official seal, the day and date above written.

Samuel Johnston

Notary Public.

Pierre, South Dakota, *October 22nd* 1912

This is to certify that the foregoing location notice was received at this office at *7* o'clock *A.M.* upon the *22nd* day of *October* 1912, and after examination it was *filed for*

record

Samuel Johnston

State Engineer.

LOCATION NOTICE

P-71

477-1

KNOW ALL MEN BY THESE PRESENTS:

THAT Lewis Henry Erard, whose post office is White Sulphur, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: Section 31 township 14 range 10 B. H. M. in Deuel County, South Dakota. Said lands comprising Desert Entry No. 021243 Land District, availing himself of the right granted him under the provisions of Section 31 of Chapter 160 of the Session Laws of South Dakota of 1907, has located and claims the right to construct a certain dam across a dry draw situated in the SW 1-4 of the SW 1-4 section Eighteen township 14 range 10 B. H. M. and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose Seven cubic feet of water per second during the following described annual periods January 1st to December 31st inclusive each year.

The location of the point of diversion of the reservoir is as follows:

From the Lower west end of the dam

The ditch will run in a South west direction to and on said land for a distance of 270 feet.

Said location was made on the 1st day of June 1910.

Witness my hand and seal this 12th day of October 1912.

Lewis Henry Erard Locator.

State of South Dakota,

County of Deuel

On the 12th day of October 1912, before me

Tom H. Johnston, a notary public in and for the County and State aforesaid, personally appeared Lewis Henry Erard to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal, the day and date above written.

Tom H. Johnston Notary Public.

Pierre, South Dakota, October 22nd 1912

This is to certify that the foregoing location notice was received at this office at 9 o'clock A. M., upon the 22nd day of October 1912, and after examination it was filed for record.

Edmund H. Kern State Engineer.

 **Department of
Water & Natural Resources**

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

April 4, 1989

LN 476-1
LN 477-1
LN 478-1

Roy Phillips
St Rt Box 18
New Underwood, SD 57761

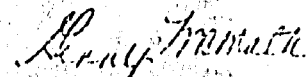
Dear Mr. Phillips:

I am writing in regard to the licensing of Location Notice Nos. 476-1, 477-1 and 478-1. The water use system described in the location notices was inspected in October, 1987. A water license will be issued to incorporate the applicable portions of Location Notice Nos. 476-1 and 477-1 into No. 478-1. Before Water License No. 478-1 can be issued, the three location notices will need to be transferred to your name. They are currently listed in the name of Lewis Henry Evard.

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Location Notice Nos. 476-1, 477-1 and 478-1. Please check over the forms and sign them in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$7.50).

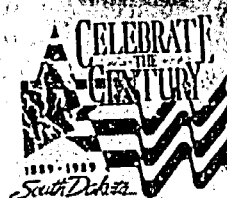
If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



SOUTH DAKOTA
Department of
Water & Natural Resources

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

June 20, 1989

LN 476-1
LN 477-1
LN 478-1

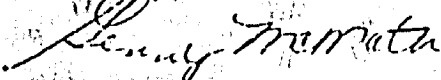
William Scott Phillips
St Rt Box 18
New Underwood, SD 57761

Dear Mr. Phillips:

This will acknowledge receipt of the three "Notice of Transfer" forms you submitted for filing ownership changes on Location Notice Nos. 476-1, 477-1 and 478-1. The forms were completed properly, however, can not be recorded without a \$2.50 filing fee for each (total of \$7.50).

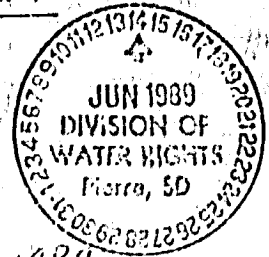
Please remit a total of \$7.50 to cover the cost of filing the transfers. The location notices will be transferred to your name upon receipt of the fee. If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352





NOTICE OF TRANSFER OF LOCATION NOTICE

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: May 31, 1989

This is to notify you that the title to the lands described as follows:
Lots 3 & 4, E 1/2 SW 1/4 Section 18, T7N, R13E

formerly owned by Lewis Henry Evard

has been transferred to William Scott Phillips, St Rt Box 18, New Underwood, SD 57761

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Location Notice No. 476-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE (F SOUTH DAKOTA)
County of Meade } 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)

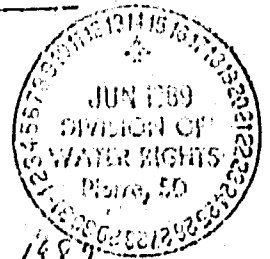
Subscribed and sworn to before me this 31st Day of May, 1989.

Barlene M. Rosenbaum
(Notary Public)

My commission expires 3/19/90

NO. 477-1

NOTICE OF TRANSFER OF LOCATION NOTICE



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: May 31, 1989

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

Lots 3 & 4, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 18, T7N, R13E

formerly owned by Lewis Henry Evard

has been transferred to William Scott Phillips, St Rt Box 18, New Underwood, SD 57761

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Location Notice No. 477-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Meade)

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.

William Scott Phillips
(Signed)

Subscribed and sworn to before me this 31st Day of May, 1989.

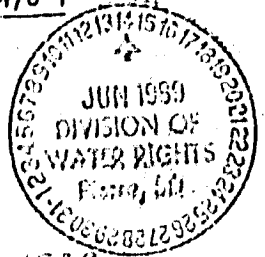
Carlene M. Rosencranz
(Notary Public)

My commission expires 8/19/90

WNP-820-9/83

Notice of Transfer of Water Permit

NO. 478-1



NOTICE OF TRANSFER OF LOCATION NOTICE

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: May 31, 1987

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

Lot 3 & 4, E 1/2 SW 1/4 Section 18, T7N, R13E

formerly owned by Lewis Henry Evard

has been transferred to William Scott Phillips, St Rt Box 18, New Underwood, SD 57761

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Location Notice No. 478-1 as provided for in SDCL 45-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA }
County of Meade } ss.

I, William Scott Phillips being first duly sworn on my oath do hereby declare 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.

William Scott Phillips
(Signed)

Subscribed and sworn to before me this 31st Day of May, 1987.

Caroline M. Rosenbaum
(Notary Public)

My commission expires 8/19/90

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 27, 1989

RECEIVED OF William S. Phillips, IER 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 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. _____		
Fee for Filing Transfer Form, LN-476-1, LN4477-1, LN-478-1 _____	7	50
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	7	50

By John H. K. / min
Chief Engineer

Location Notice

No. 478-1Incorporates LN# 476-1
477-1Belle Fourche RiverWater District 10120202**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Roy PhillipsStar Rt. Box 18, a New Underwood, SD 57761 holder ofL.N. No. 478-1, 477-1, 476-1 bearing the priority of October 22, 1912
June 1, 1910 (Am) authorizingthe diversion of 21 cu. ft. per second of the waters of Dry Drawfor Irrigation purposes, in Meade County.

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

A. Works used to divert the water:

Div. Pt "A." Dam = 400' Long, 8' Top, 4' Freeboard, 3:1 + 2:1 Side slopes.
Em Spillway 50' wide. No Controls. Em Spillway diverts water into ditch.
Div. Pt "B." Small diversion dam diverts water into irrigation ditch.

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

Irrigation ditch

C. Works used to apply water to beneficial use:

Openings in ditch spreads water.The system is in the following condition Fair To PoorThe point of diversion is located Pt "A" = 1120 ft W + 950 ft S of N 1/4 corner of Sec. 18.Div. Pt. "B" = 2050 ft S + 920 ft W of N 1/4 cor Sec. 18, T7N R13EThe works are capable of diverting and conveying to the place of use 5 +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 Sec. 18, T7N R13ESW 1/4 NW 1/4 = 7 Ac.SE 1/4 NW 1/4 = 3 Ac.NW 1/4 SW 1/4 = 1 Ac.NE 1/4 SW 1/4 = 1 Ac.comprising a total of 20 acres of land and the license should be issued for 29 yrsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date October 21, 1987LeRoy J. McLaughlin

STATE OF SOUTH DAKOTA

LOCATION NOTICE WATER LICENSE NO. 478-1

(1) Lewis Henry Evard of White Owl, South Dakota, located and filed Location Notice No. 478-1, October 22, 1912 for a right to appropriate 7.0 cubic feet of water per second from a dry draw, Meade County, South Dakota for irrigation purposes. Location Notice No. 478-1 with a priority date of October 22, 1912 was located and filed by the applicant(s) for diversion of water and construction of the described water supply system. The system was completed and the water placed to beneficial use.

Lewis Henry Evard originally located and filed Location Notice Nos. 476-1, 477-1 and 478-1. On June 27, 1989, the location notices were transferred to William Scott Phillips.

The applicable portions of Location Notice Nos. 476-1 and 477-1 have been incorporated into this Location Notice Water License No. 478-1. An October 22, 1912 priority date is retained.

(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 0.29 cubic feet of water per second for beneficial use. The location of the diversion points are: Pt "A" - 1120 ft W and 950 ft S of the N1/4 corner of Section 18 and Pt "B" - 2050 S and 920 ft W of the N1/4 corner of Section 18, T7N, R13E.

(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:

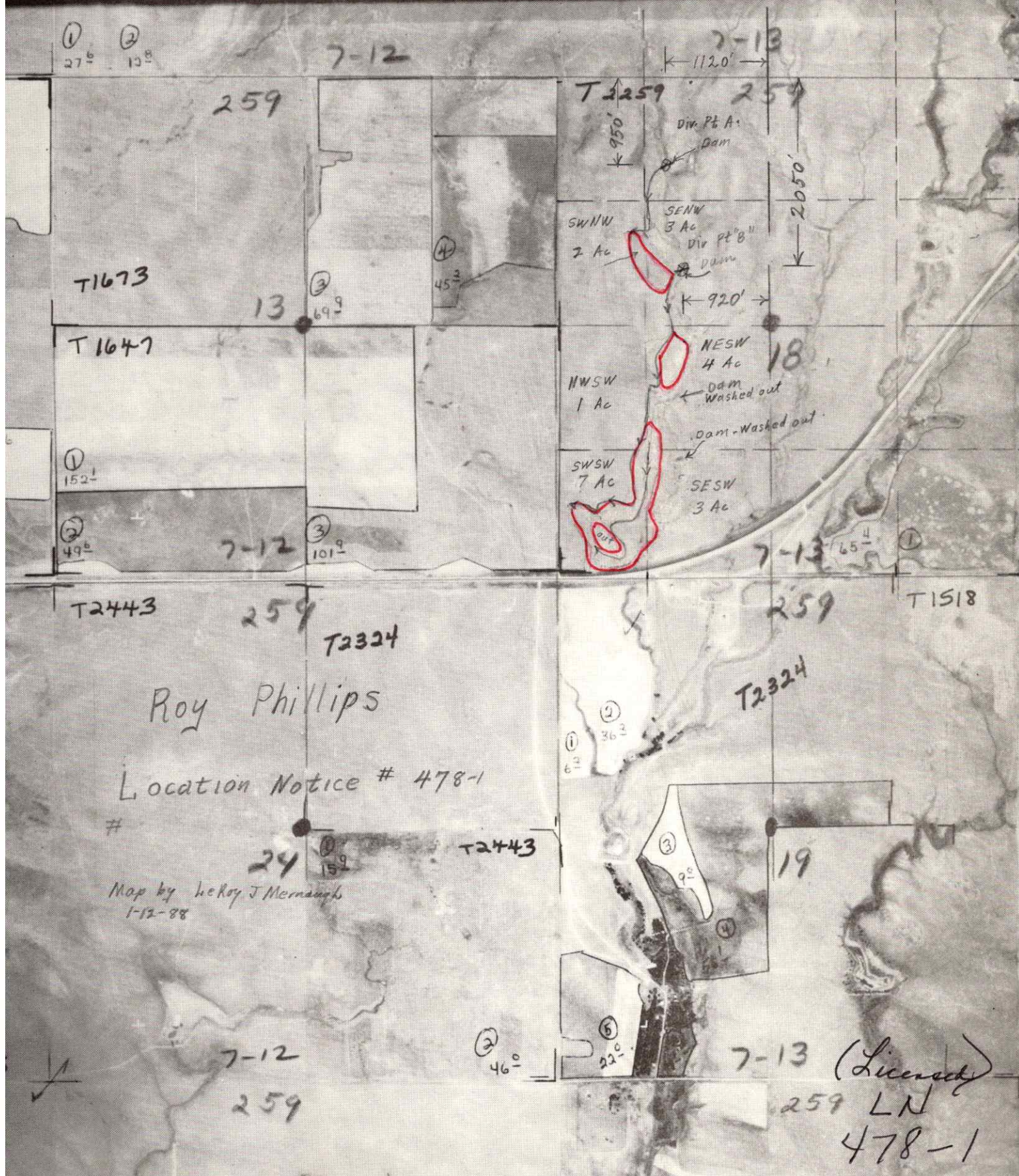
T7N, R13E, Section 18	SW1/4 NW1/4	2	acres
	SE1/4 NW1/4	3	"
	NW1/4 SW1/4	1	"
	NE1/4 SW1/4	4	"
	SW1/4 SW1/4	7	"
	SE1/4 SW1/4	3	"
	Total	20	acres

(4) Pursuant to Section 46-5-30.1 William Scott Phillips of Rt Box 18, New Underwood, South Dakota 57761 the holder(s) and/or owner(s) of Incorporated No. 478-1 is issued a license to appropriate water, the right to use 0.29 cubic feet of water per second from a dry draw with a priority date of October 22, 1912 from the location specified in (2) of this license. The water is 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 No. 478-1 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

SLP 14 1989

NOT TO SCALE



**SOUTH DAKOTA Department of
Water & Natural Resources**

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

478-1

SEP 14 1989

William Scott Phillips
St Rt, Box 12
New Underwood, SD 57761

Dear Mr. Phillips:

Enclosed is Location Notice Water License No. 478-1. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 411819 in the amount of \$7.50 which you paid for the transfer of Location Notice Nos. 476-1, 477-1 and 478-1.

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

Very truly yours,

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

enclosures

NOTE: The applicable portions of Location Notice Nos. 476-1 and 477-1 have been incorporated into this Location Notice Water License No. 478-1.