

Water Right Number 2303-3

1. Considered JULY 24, 1975
2. Name of Applicant JACK MARTIN
3. Post Office Address FT. PIERRE
4. Amount of Water claimed 5.75
5. Source of Water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 394
7. Water to be diverted and used in HUGHES County
about 37E, 17S miles of PIERRE

Date of Publication

Received

7-8-75

2303-3 A.M. June 1975
5-15-75 Olson C.P. 130 ac.
1-8' alum pipe 15' diameter from the pump
at Lake Shago dis. pump 15' diameter 1.5 mi.
at edge of 2. from pump 10' dia. 1/2 mi.
5-15-75 Olson C.P. 8' alum pipe
approx. 1 1/2 mi. from pump

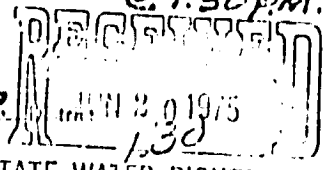
d _____
to _____
d _____
rred _____

ORIGINALLY REC'D
5-27-75
@ 1:30 PM.

Form 2 - Application for Permit to Appropriate Water Original (Includes Approval and Permit)

No. 2303-3

Map No. 712-3 Water Division No. 3 MISSOURI RIVER
(Blocks to be Filled by the Engineer for the W. R. C.)



STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

NOTE - Draw a line through items not applicable

1. Name of Applicant ~~XXXXX~~ Bowers Distillery Inc., James Bowers President
1121 Oak Street
Postoffice address ~~XXXXX~~ Box 1230, Pierre State South Dakota -57532-57501

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor

3. Name of diversion work Martin Missouri River Project

4. Amount of water claimed (cubic feet per second) 5.75

5. Source of water supply Missouri River

6. Location of point of diversion Between points in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, T108N, R74W

County Hughes

7. Annual period or periods during which water is to be used April through October

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 394

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
Section 26 SE $\frac{1}{4}$	156		
Section 36 NW $\frac{1}{4}$	90		
NE $\frac{1}{4}$	150		
All in T108N. R74N			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Capitol Journal, Pierre

12. Principal Features of the Proposed Water Supply System.

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

Pumps & Motors

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

Mainline

C. Works proposed to apply water to beneficial use.

Self propelled sprinkler system

Estimated Total Cost \$50,000.00

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

County of Hughes

I, _____ 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 James Bowers
27th day of May 1975
Justin D. Zickrick
Notary Public (or other qualified officer)

My Commission Expires 3/27/83



T.
108
N

R. 74 W

SW¹/₄ NE¹/₄ Sec. 26
30.0 Ac.

SE¹/₄ NE¹/₄ Sec. 26
29.3 Ac.

NW¹/₄ SE¹/₄ Sec. 26
40.0 Ac.

NE¹/₄ SE¹/₄ Sec. 26
39.0 Ac.

NW¹/₄ SW¹/₄ Sec. 25
39.0 Ac.

SW¹/₄ SE¹/₄ Sec. 26
39.0 Ac.

SE¹/₄ SE¹/₄ Sec. 26
38.0 Ac.

SW¹/₄ SW¹/₄ Sec. 25
38.0 Ac.

26 25
35 36

Point of diversion
Approx. El. 1420

S 83°30'W
168 rods

Land to be irrigated

40 ACRES

150 ACRES

All lands described are owned by Martin Houston

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SW ¹ / ₄ NE ¹ / ₄	26	108N	74W	30.0
SE ¹ / ₄ NE ¹ / ₄	26	108N	74W	29.3
NW ¹ / ₄ SE ¹ / ₄	26	108N	74W	40.0
NE ¹ / ₄ SE ¹ / ₄	26	108N	74W	39.0
SW ¹ / ₄ SE ¹ / ₄	26	108N	74W	39.0
SE ¹ / ₄ SE ¹ / ₄	26	108N	74W	38.0
NW ¹ / ₄ SW ¹ / ₄	25	108N	74W	39.0
SW ¹ / ₄ SW ¹ / ₄	25	108N	74W	38.0
TOTAL				292.3

SURVEYOR'S CERTIFICATE

I, Gordon W. Strong, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE MARTIN HOUSTON IRRIGATION PROJECT NUMBER 2 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE HUGHES COUNTY SOIL AND WATER CONSERVATION DISTRICT.

SIGNATURE: Gordon W. Strong

TITLE: Agricultural Engineer

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 24th DAY OF

January, 1964, A.D.

B. L. Phares
NOTARY PUBLIC

MY COMMISSION EXPIRES January, 1971.

Scale: 1"=400'

MARTIN HOUSTON IRRIGATION PROJECT NUMBER 2

Hughes County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed by _____	Date _____	Approved by _____	Title _____
Drawn by <u>GWS</u>	<u>12/13/63</u>		
Traced by _____			
Checked by _____	<u>1/64</u>		
	No. <u>1</u>		Drawing No. _____
	of <u>1</u>		

Map No 7123 (Appl. No 1076-3)

2303-3)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2303-3 611 N Van Buren
JACK MARTIN Boxers Distillery Inc FT. PIERRE (Box-1238)
 (Applicant) 57501 (Post Office Address)
SOUTH DAKOTA 57538 With the following modifications:
 (State)

Date of first receipt of application JUN 20 1975
 Date of return to applicant for correction, amendments or changes required _____ 19____
 Date of receipt of corrected application _____ 19____
 Approved JULY 24 1975 Recorded in Book 14 Page 6

WATER RIGHT PERMIT NO. 2303-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2303-3 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 a claimant may claim right is JUNE 20 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 24 1978
3. The whole of said work is to be completed on or before JULY 24 1980
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 24 1984
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 5.75 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 24 1984; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 4TH day of AUGUST 1975

WATER RIGHTS COMMISSION

Henry W. Butler
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19____

Water License Issued _____ 19____

Form 6. - Notice of Intent to Appropriate Water

No. 2303-3

Publish first publication, on or before

~~XXXXXX~~ July 10, 1975

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 24, 1975

Notice is hereby given that Jack Martin

whose post office address is Ft. Pierre, 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 5.75 cubic feet of water per

second of time from the Missouri River through the

Martin Missouri River Project

_____, the point of diversion of which is to

be located ~~in the~~ between points in the NW 1/4, NE 1/4, Section 35 and in the
NE 1/4, SE 1/4,

of Section 36, Twp. 100N, Range 74W. Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4, Section 26; NW 1/4 and a portion of the NE 1/4, Section 36, T100N, R74W

This application No. 2303-3 will be considered by the Water Rights Commission at the North Lounge, Surbeck Center, S.D. School of Mines, at Rapid City, S.D. upon the 24th day of July, 1975 at 2:30 P. .M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON I. JONES, Water Rights Specialist

BFJ/bw
cc:

Jack Martin, Ft. Pierre, S.D. 57532

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

No. 2303-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hughes) ss

I, John H. Hipple hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Daily Capital Journal

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 of Pierre

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

June 30, 1975 and

July 7, 1975.

John H. Hipple
(Signature)

Business Manager
(Title)

July 7, 1975
(Date Signed)

No. 3112 - 21 dly June 30, July 7

No. 2303-3

NOTICE OF INTENT
TO APPROPRIATE WATER

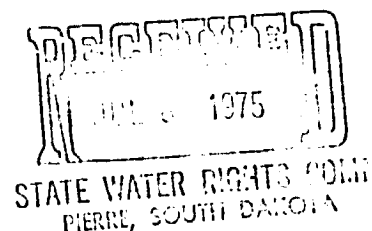
Notice is hereby given that
Jack Martin whose post office
address is Ft. Pierre, South
Dakota, has made an application
in accordance with the provisions

of the water laws of South Dakota
for a permit to appropriate for
beneficial use 5.75 cubic feet of
water per second of time from the
Missouri River through the
Martin Missouri River Project,
the point of diversion of which is
to be located between points in
the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35 and in
the NE $\frac{1}{4}$ SE $\frac{1}{4}$, of Section 36,
Twp. 108N, Range 74W. Said
water to be used for the purpose
of providing irrigation on the
following described land: SE $\frac{1}{4}$,
Section 26; NW $\frac{1}{4}$ and a portion of
the NE $\frac{1}{4}$, Section 36, T108N,
R74W.

This application No. 2303-3 will
be considered by the Water
Rights Commission at the North
Lounge, Surbeck Center, S.D.
School of Mines, at Rapid City,
S.D. upon the 24th day of July,
1975, at 2:30 P.M. All interested
persons may appear, and be
heard.

WATER RIGHTS COMMISSION
By:

BURTON F. JONES,
Water Rights Specialist



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

Post Office PierreDate 8-14-75

TO: **WATER RIGHTS COMMISSION**
State Office Building No. 2
Pierre, South Dakota 57501

Dear Sirs:

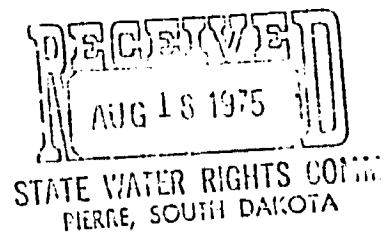
This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2303-3

Water Right Permit No. 2303-3 states that the diversion system is to be constructed by Myron, 19____ and that the water is to be put to beneficial use by Myron, 19____.

The diversion system was completed on 8-12-75, 1975. Applying the water to beneficial use was completed on 8-12, 1975.

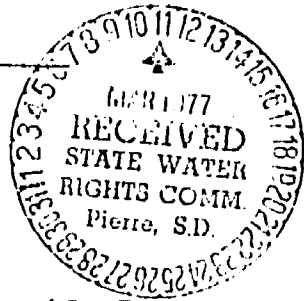
You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Jack McIntire
(Signature)



Form 20.

No. 2303-3



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Date March 10, 1977

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

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 35-108N-74W and NE $\frac{1}{4}$ SE $\frac{1}{4}$ 36-108N-74W

formerly owned by Jack Martin, Ft. Pierre, S.D.

has been transferred to A.M. Farms Inc. Luvern Miller, R.R. Watertown, SD
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 2303-3 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 Rights 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 Hughes) ss.

I, Jack Martin 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.

Jack Martin
(Signed)

Subscribed and sworn to before me this 10th day of March, 1977.

My commission
expires Jan. 10, 1982.

Ronald A. Haggan
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7726

PIERRE, October 3, 1980

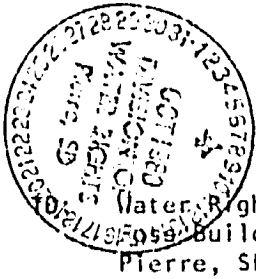
RECEIVED OF James H Bowers, Pierre, SD

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.....		
Fee for inspecting Beneficial Use, and issuing Water License No.....		
Fee for issuing Location Certificate-Dry Draw, No.....		
Fee for filing <u>transfer of water permit No. 2503-3</u>	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

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



NOTICE OF TRANSFER OF WATER PERMIT

Date: October 8, 1980

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

394 acres SE $\frac{1}{4}$ Sec. 26, N $\frac{1}{2}$ Sec. 36, all in T108N, R74W

formerly owned by A M Farms Inc.,

has been transferred to Bowers Distillery Inc., Box 1238, Pierre, SD 57501

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2303-3 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 Office of the Board of Water Management 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)
) ss.
County of Hughes)

I, James H Bowers 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 infor-
mation herein stated is true.

Bowling Distillery, Inc.

By James A. Brown, Pres.
(Signed)

Subscribed and sworn to before me this 8th Day of October, 1980

Billy Woodard
(Notary Public)-
DWRN, Water Rights Specialist

 **Department of
Water & Natural Resources**
Joe Foss Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501

October 10, 1980

Bowers Distillery Inc.
Box 1238
Pierre, SD 57501

Dear Sirs:

Water Right Nos. 688-3, 2303-3 and 2376-3 have been transferred to Bowers Distillery Inc. James H Bowers, President of Bowers Distillery paid the filing fees for the transfers and was given the receipts for the filing fees upon his visit to our office October 8, 1980.

Sincerely,

GENNY YOUNG
Staff Assistant

GY

Equal Opportunity Employer

Division of Water Rights (605) 773-3352

November 24, 1980

Corps of Engineers
Box 670
Pierre, SD 57501

Dear Sirs:

Per our telephone conversation of this date, enclosed are copies of Water Right Nos. 688-3, 2303-3, 2376-3, and 3598-3 as requested. Permit Nos 2002-3 was cancelled at our November 19, 1980 Board meeting. Permit Application No. 4559-3 for Bowers Distillery was Approved at that meeting, and we will forward a copy of the Permit to you as soon as the Permit is written up and signed. Permit No. 4559-8 was approved for 34.3 cfs of water and 2,402.27 acres.

Water Right No. 688-3 has been licensed. Any figures as far as cfs and acres irrigated should be taken from the license and not the permit. Also enclosed are copies of the transfers for the above mentioned permits.

If you have any questions, or need further information, please contact this office.

Sincerely,

GEMMY YOUNG
Staff Assistant

gy

encl

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

Don Foss Building
Pierre, South Dakota 57501

Water Rights Division
(605) 773-3352

No. 688-3
2303-3
2376-3
4559-3

April 22, 1981

Don Smith
106 W. Capitol
Pierre, SD 57501

Dear Mr. Smith:

In answer to your phone call April 21, 1981 requesting a listing of Water Permits on file in this office for Bowers Distillery, Inc, the following is a listing of the permits:

<u>Permit No.</u>	<u>Priority Date</u>	<u>Licensed</u>	<u>Acres</u>	<u>CFS</u>	<u>To Irrigate Portions of the Following:</u>
688-3	2/4/60	7/19/66	458.50	6.55	Sections 31 & 32 - T108N - R73W; Section 36-T108N-R74W.
2303-3	6/20/75	---	394.00	5.75	SE $\frac{1}{4}$, Sec.26, N $\frac{1}{2}$, Sec.36 all in T108N - R74W
2376-3	10/11/75	---	600.00	8.00	W $\frac{1}{2}$ Sec.25, SE $\frac{1}{4}$, Sec.25 - T108N - R74W and SW $\frac{1}{4}$ Sec. 32-T108N-R73W
4559-3	10/13/80	---	2,402.27	34.3	SE $\frac{1}{4}$, Sec.24, NE $\frac{1}{4}$, Sec.25 & NE $\frac{1}{4}$, Sec.26 all in T108N - R74W and S $\frac{1}{2}$ & NE $\frac{1}{4}$, Sec.19; Sec.30, N $\frac{1}{2}$, Sec.31; SW $\frac{1}{4}$, Sec.20; Sec.29 & 32, all in T108N - R73W.

If you desire further information feel free to contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW/bt

Equal Opportunity Employer

2303-3

August 22, 1984

Permit No. 2303-3 in the name of Bowers Distillery Inc., James Bowers President, 611 N Van Buren, Pierre, S.D. 57501 should have the priority date of May 27, 1975 instead of June 20, 1975. The Permit was originally received May 27, 1975 and was not returned for corrections.

Betty Westlund NRA111

#688-3

#2303-3

#2376-3

#4559-3



Department of Water & Natural Resources

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

February 17, 1989

Bowers Distillery Inc.
611 N. Van Buren
Pierre, SD 57501

Dear Sirs:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John W. Hatch

for JOHN HATCH, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

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

2303-3

April 14, 1989

Kent Bowers
Bowers Distillery
611 North VanBuren
Pierre, SD 57501

Dear Mr. Bowers:

This letter is in reference to the inspection conducted by Water Rights staff at Bowers Distillery on March 28, 1989. The purpose of this inspection was to:

- 1) determine compliance of the operation with respect to the chemigation regulations; and
- 2) determine how the development of the operation compares to that authorized by Water Permit Nos. 2303-3, 2376-3, and 4559-3 in order to license the permits and incorporate them into one Water Right.

Each of these items will be addressed separately in this letter.

Upon reviewing the anti-pollution equipment arrangement of your system, it appears the major deficiency with respect to the chemigation rules, ARSD 74:02:09, is the lack of accessibility to the check valves at each pump station, making it impossible to determine whether or not they are operating properly.

I would suggest that a check valve with the required inspection port and automatic drain be installed after each pump. If this is not acceptable, the Chief Engineer may, pursuant to ARSD 74:02:09:07, grant a variance from the requirements found in the chemigation rules if an alternate equipment arrangement will provide equivalent protection to ground and surface water. A variance could be issued if a check valve were installed in each of the main lines before the point of chemical injection and a pressure gauge was installed following each check valve. The pressure gauge would give an indication as to whether or not the check valves are functioning properly when the pumps are not operating.



April 14, 1989
Bowers
page 2

Since some of your equipment was out for repair or inaccessible on the day of the inspection, the following information is required in order to complete the record of inspection for Water Permit Nos. 2303-3, 2376-3, and 4559-3:

For each of the 3 pump stations:

- the number of pumps and motors at each station
- the model number of each pump
- the size of each pump
- the capacity (gallons per minute, gpm) of each pump
- the model number of each motor
- the horsepower rating of each motor

For each of the 25 center pivots:

- the make of each center pivot
- the number of towers on each center pivot
- the overall length of each center pivot
- whether or not an end gun is present at each pivot
- the gpm each pivot is operated at

Information on the make of each of the center pivots was given during the inspection as:

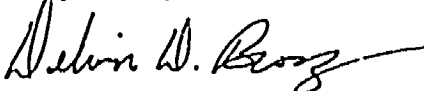
all pivots except #21 & #18: Electrogator
pivot # 21: Zimmatic
pivot # 18: Olson.

Information regarding the distribution lines was given as steel to the manifold and two 15 inch parallel PVC lines from that point on. The size of the steel lines and the length of the lines should also be provided.

After the inspection reports are completed, each of these three permits and Water Right No. 688-3 will be incorporate into one Water Right.

If you have any questions please contact Susan Bower, 773-3352.

Very truly yours,


DELVIN D. BROSZ, P.E.
Hydrologist III

for

JOHN HATCH, Chief Engineer
Water Rights Division



BOWERS DISTILLERY, INC.

Essential Oils

611 North VanBuren
Pierre, South Dakota 57501
Phone (605) 224-7987



May 11, 1989

Water & Natural Resources
John Hatch, Water Rights Div.
Foss Bldg., 523 E. Capitol
Pierre, SD 57501-3181

Dear Mr. Hatch:

Del Brosz sent a letter to me on April 14th, with his conclusions regarding fertilizer injection into the underground mainline system at our farm in the pocket, near West Bend recreation area. We will not be able to implement his suggested remedy because of the cost. We will not inject fertilizer into the underground mainline system this year.

While Mr. Brosz and Susan Bowers were at the farm, they inspected our current system of direct injection at the pivot pad. They feel that the procedure of injection that we follow at the pivot should be granted a variance from the requirements found in the chemigation rules. Specifically, a check valve between the underground mainline and the point of chemical injection is currently emulated by an electric butterfly valve that closes when the pivot is shut off. In addition, our system maintains back pressure in the mainline system because of high points and low points in the mainline. Because of that an inspection port, a vacuum relief valve, and a low-pressure drain would serve no useful purpose. In other words, our mainline system remains pressurized at a low level, even if we aren't running a pivot and a pump. Our injection methods comply with all of the other requirements of the chemigation rules. For example, the system is interlocked electrically.

Please issue the variance immediately. It is my intent to begin fertilizer injection at the spearmint pivot pads around May 18th. Contact me by phone if there is a problem. During the day, leave a message at 875-3444. I will call you back. My home number is 224-6098.

Sincerely,

Kent Bowers
Bowers Distillery, Inc.
611 N. Van Buren
Pierre, SD 57501

**Department of
Water & Natural Resources**

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

May 16, 1989

Kent Bowers
Bowers Distillery, Inc.
611 N Van Buren
Pierre SD 57501

Dear Mr. Bowers:

This is in response to your letter of May 11, 1989 requesting a variance to the chemigation rules.

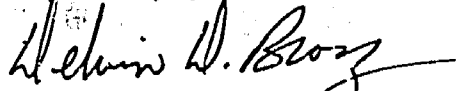
Pursuant to ARSD 74:02:09:16, the Chief Engineer may grant a variance from the requirements found in the chemigation rules if the alternate equipment or arrangement will provide equivalent protection to ground and surface water.

A variance to the requirements found in ARSD 74:02:09:05 through 74:02:09:07 and 74:02:09:10 is hereby granted based upon the following:

- 1) That a check valve is located in each of the pump intake lines at the main pumping plant.
- 2) The main pumping plant, the chemical injection pump and the center pivot must be interlocked. The shutdown of the main pumping plant will cause the butterfly valve at the pivot pad to close.
- 3) All remaining requirements found in the chemigation rules, ARSD Chapter 74:02:09 must be adhered to.

The check valves in the intake line of each pump and the butterfly valve at each pivot provide a double check valve arrangement. Please contact Susan Bowar (773-3352) if you have any questions.

Very truly yours,



DELVIN D. BROSZ, P.E.
Hydrologist III
for John Hatch, Chief Engineer
Water Rights Division





MAY 15 1992

2303-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

4559-3

Bowers Distillery
611 N. Van Buren
Pierre, SD 57501

Dear Sirs:

Enclosed is Water License No. 4559-3. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 412326 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

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

Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Right No. 688-3, and Water Permit No. 2302-3 and 2376-3 are incorporated into this Water License No. 4559-3.