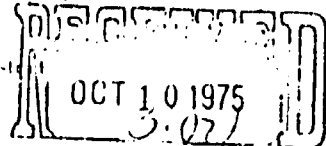


Water Right Number 2376-3

1. Considered November 12, 19 75
2. Name of Applicant Jack Martin
3. Post Office Address Ft. Pierre, SD 57532
4. Amount of water claimed 8.00
5. Source of water supply Missouri River
6. Water to be used for Irrigation
- Acres to be irrigated 600
7. Water to be diverted and used in Hughes County
about 34E, 17S Miles of PIERRE
8. Proof of Publication Received 11-3-75
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

Map No. 712-3
527-3 Water Division No. 3 MISSOURI RIVER District 3
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

STATE WATER RIGHTS COM
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

xxxxxxx

1. Name of Applicant W. Van Buren Bowers Distillery Inc.
 Postoffice address Box 1238, Pierre, SD 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) _____

3. Name of diversion work Martin #34. Amount of water claimed (cubic feet per second) 8.05. 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, T108N, R74W, and
in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, T108N, R73W

County Hughes

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

8. Use to be made of water. (Irrigation, industrial, municipal, commercial, recreation, etc.) _____

9. For irrigation use, Total number of acres to be irrigated 600

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.
<u>W$\frac{1}{2}$, Sec. 25, T108N, R74W</u>	<u>320</u>		
<u>SE$\frac{1}{4}$, Sec. 25, T108N, R74W</u>	<u>160</u>		
<u>SW$\frac{1}{4}$, Sec. 32, T108N, R73W</u>	<u>120</u>		

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 and motors

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

Mainline to pivots

C. Works proposed to apply water to beneficial use.

Center Pivot sprinkler systemsEstimated Total Cost \$ 150,000.00

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, Jack Martin, 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 Betty WestlundSubscribed and sworn to before me this 16th day of October, 19 75

Betty Westlund
 Notary Public (or other qualified officer)

BETTY WESTLUND, L/W Clerk II

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2376-3
JACOB MARTIN Bowers Distillery Inc. FT. PIERRE Cell N Van Buren
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57532 With the following modifications:
 (State)

Date of first receipt of application OCTOBER 10 1975
 Date of return to applicant for correction, amendments or changes required
 Date of receipt of corrected application
 Approved NOVEMBER 13 1975 Recorded in Book 14 Page III

WATER RIGHT PERMIT NO. 2376-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2376-3 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 applicant may claim right is OCTOBER 10 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13 1978
3. The whole of said work is to be completed on or before NOVEMBER 13 1980
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13 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 8.0 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 NOVEMBER 13 1984 said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 18TH day of NOVEMBER 1975

WATER RIGHTS COMMISSION

J. Lin H. H. H.
 Chief Engineer, Executive Officer

Certificate of Construction Issued 19

Water License Issued 19

2375-3

Publish first publication, on or before October 30, 1975NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 10, 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
8.0 cubic feet of water per second of time from the Missouri River through the
Martin #3, 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 35, T108N, R74W and in the
SE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 32, Twp. 108N, Range 73W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

W $\frac{1}{2}$, SE $\frac{1}{4}$, Section 25, T108N, R74W and SW $\frac{1}{4}$, Section 32, T108N, R73W

This application No. 2375-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 12th day of November, 1975, at 2:30 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

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

No. 2376-3

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:

October 22, 1975;

October 29, 1975.

John H. Hipple
(Signature)

Business Manager
(Title)

10/29/75
(Date Signed)

No. 3238 21 dly Oct. 22-29
No. 2376-3

NOTICE
INTENT TO APPROPRIATE
WATER

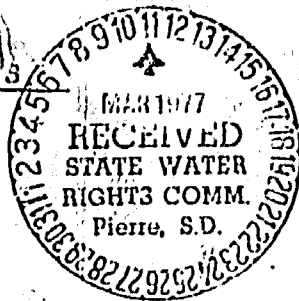
Notice is hereby given that
Jack Martin whose post office
address is F. Pierre, South
Dakota, has made an application
in accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 8.0 cubic feet of
water per second of time from the
Missouri River through the Mar-
tin No. 3, the point of diver-
sion of which is to be located in
the between points in the NW 1/4
NE 1/4, Section 35, T108N, R74W
and in the SE 1/4 SW 1/4 of Section
32, Twp. 108N, Range 73W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land: W 1/4 SE 1/4, Section 25,
T108N, R74W and SW 1/4, Section
32, T108N, R73W.

This application No. 2376-3 will
be considered by the Water
Resources Commission at their
office at Pierre upon the 12th day
of November, 1975, at 2:30 P.M.
All interested persons may
appear and be heard.

WATER RESOURCES
COMMISSION
By: BURTON F. JONES
Water Rights Specialist

Form 20.

No. 2376-3



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 1/4 NE 1/4 35-108N-74W and SE 1/4 SW 1/4 32-108N-73W

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

has been transferred to A.M. Farms Inc., R.R. Watertown, S.D.

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No 2376-3 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. Haggard
(Notary Public)

2476

N. H. 300' long

5-11-46

See Houghton's field notes

Forwarded
to
Relief
for
the
Government

C.P. Olson, Jr. - 118A.C.

Engineer John Ross

3 Feb 25 Olson C.P. 17040

544-20 Olson C.P. 730' long
of water

W 1/2-25 10 Olson 1100 ft. Olson 1140 ft. long
along a line to corner. But have not
yet finished. Set to corner 25' then at
10' N.W. 1/4

N.W. 1/4-25 Putting in a New Monument
on edge between 25' & 10' on N.W. 1/4

Copy 5412 F-01 4112540T
Copy 5412 F-01 4112540T
Pump Assembly BB JOBN
Ser # 7682473

2. Copy 411236T
John Deere Model 8450BN
Pump Assembly Model 8450BN
Ser # 7683494

3. J-P Drill same as above. J-P Drill Pump
Model 8450BN Ser # 7683497
Copy 411254T
Type 6814 DF

4. J-P Drill same as above
Ser # 411254T
Type 6814 DF
Pump Assembly Model 8450BN
Ser # 7676376

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7725

PIERRE, October 8, 1980

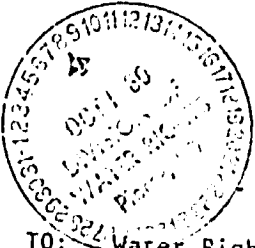
RECEIVED OF James A Bowers, Pierre, SD

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. 2376-3</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 (RY)



NO. 2376-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: October 8, 1980

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

W $\frac{1}{2}$ and SE $\frac{1}{4}$ Sec. 25, T108N, R74W and SW $\frac{1}{4}$ Sec. 32, T108N- R73W - 600 acres

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. 2376-3 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)
County of Hughes) ss.

I, James H. Bowers being first duly sworn on my oath depose and say: That my relation to the above described underraking 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.

BOWERS Distillery, Inc.
BY James H. Bowers, Pres.
(Signed)

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

Betty Westlund
(Notary Public)
DWR, Water Rights Specialist

SOUTH Dakota 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. we will forward a copy of the Permit to you as soon as the Permit is written up and signed. Permit No. 4559-3 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,

GERNY YOUNG
Staff Assistant

gy

encl

South Dakota Department of Water & Natural Resources

Joe 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:

Permit No.	Priority Date	Licensed	Acres	CFS	To Irrigate Portions of the Following:
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	10/10/75	---	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

AL-101-9/79

 **Department of
Water & Natural Resources**

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

#688-3

#2323-3

#2376-3

#4559-3

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 chenigation 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;

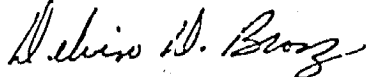


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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,



for JOHN HATCH, Chief Engineer
Water Rights Division

2376-3

 **Department of
Water & Natural Resources**

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

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:

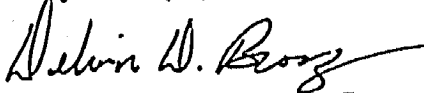
all pivots except #21 & #18: Electrogator
pivot # 21: Zimmatic
pivot # 18: Olson.

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 incorporated into one Water Right.

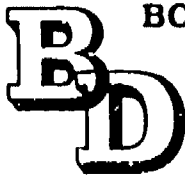
If you have any questions please contact Susan Bower, 773-3352.

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 Bowar 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.

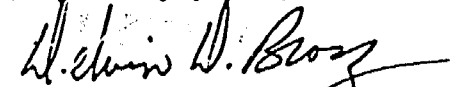
Pursuant to ARSD 74:02:09:16, the Chief Engineer may grant a variance from the requirements found in the chemigation rules if the alternate equipment or arrangement will provide equivalent protection to ground and surface water.

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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

BOWERS DISTILLERY INC
611 N. VAN BUREN
PIERRE SD 57501

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 688-3; 2376-3; & 4559-3

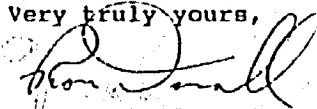
The first notice to file chemigation report(s) for Permit No(s) 688-3; 2376-3; & 4559-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 688-3; 2376-3; & 4559-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 688-3; 2376-3; & 4559-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Very truly yours,


RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



2376-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

BOWERS DISTILLERY INC
611 N. VAN BUREN
PIERRE SD 57501

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 688-3; 2376-3; & 4559-3

The first notice to file chemigation report(s) for Permit No(s) 688-3; 2303-3; 2376-3; & 4559-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 688-3; 2376-3; & 4559-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 7:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 688-3; 2376-3; & 4559-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.





2376-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 28, 1992

KENT BOWERS
BOWERS DISTILLERY INC
207 LAKESIDE LANE
PIERRE SD 57501

Dear Mr. BOWERS:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No (s). 688-3; 2303-3; 2376-3; & 4559-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report(s), your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

A handwritten signature in cursive script that reads "Don Frye".

DON FRYE, Natural Resources Analyst
Water Rights Division



MAY 15 1992

2376-3

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. 2303-3 and 2376-3 are incorporated into this Water License No. 4559-3.