

Water Right Number 4431-3
To be considered 8/27/79
County Hughes about 22E, 6 miles
South of Pierre

APPLICATION

Priority

7/16/79

Name Bowman Brothers Address Pierre
Date Received July 16, 1979 Complete-yes X no reason

Fee Received-yes X, amount 150.00 no reason
 received

Map Received-yes X no reason
 received

Log Received-yes no reason
NA received

REMARKS

This application for 53.1 additional acreage, combines land in 1543-3 and 2491-3 (to be cancelled) Well in 1543-3 is not used only the Missouri River

WATER QUALITY

Date Received 8/14/79 Approved Conditional (Circle one)

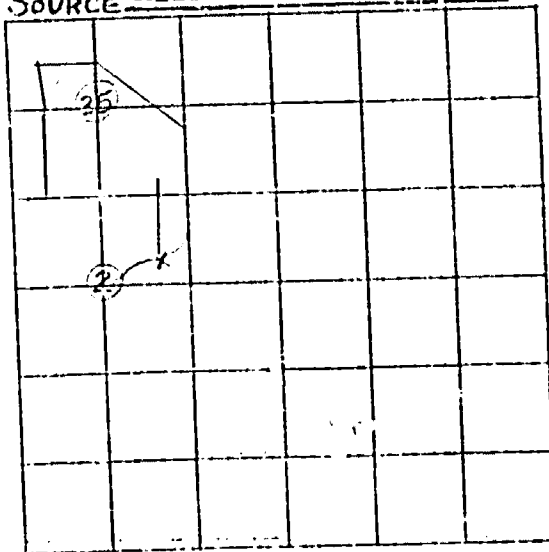
Disapproved date reason
Date Disapproved
Application returned

WI-1 Land Description - same as Application-yes XX no remarks

APPLICATION INFORMATION

+++++
Use XX Irrigation acres 53.1 Add c.f.s. no add'l (200)

Acre-feet Diversion Location
SOURCE Missouri River SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2-109-76



Land to be Irrigated

S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$

35-110-76

Period of Annual use April thru October

MAP

Type of Map Aerial Prepared by Mernaugh
Map No. 3461-3 Map located in W/R XX Map file

LOG

Driller Licensed in SD-yes no

Depth and Formation

4431-3

OTHER
INFORMATION
FILED
WITH
WATER RIGHT

REVIEWED

This application was reviewed within 30 days of receipt, accepted as complete,
number assigned, and written up for advertisement before the Board on

Sept. 27, 1979

Betty Westlund
(Signed)

This application was unable to be completed - Reason _____

PUBLICATION

~~_____~~
Dates published - 1st 8/28/79 2nd _____

Date

Affidavit received 9-6-79 remarks _____

Capitol Journal, Pierre

PROTESTS

Letters/Petitions in File yes _____ no _____ remarks _____

STAFF REC-
COMMENDATIONS

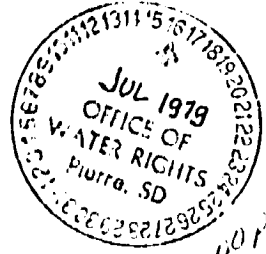
BOARD ACTION

Date Approved 9-8-79 Qualifications _____

Deferred - date _____ reason _____

Denied - date _____ reason _____

REMARKS
F.F. & C. OF
LAW, FINAL
DECISIONS,
ETC.

No. 4481-3Map No. 34-61-3 Water Division No. 3 MISSOURI 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 Bowman Brothers
 Postoffice address Route 3, Pierre, State South Dakota 57501
 If a corporation show date and place of incorporation Box 44
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Bowman No.1
4. Amount of water claimed (cubic feet per second) 2.1 (no additional)
5. Source of water supply Missouri River
6. Location of point of diversion 2250 ft. S and 1320 ft. W of the NE Cor. of Sec.2,
T109N - R76W SE 1/4 NE 1/4
- County Hughes
7. Annual period or periods during which water is to be used April thru 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 200 (53.1 additional)

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.
SW 1/4 NW 1/4 35-T110N-R76W	3	SE 1/4 SW 1/4 35-T110N-R76W	40
SE 1/4 NW 1/4 35 " "	12	NW 1/4 SE 1/4 35 " "	40
SW 1/4 NE 1/4 35 " "	14	NE 1/4 SE 1/4 35 " "	21
NE 1/4 SW 1/4 35 " "	21	SW 1/4 SE 1/4 35 " "	29

Attach sheet if more space is needed SE 1/4 SE 1/4 35-T110N-R76W 20

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Capital Journal, Pierre
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
pump & motorB. Works proposed to transport water to place of use.
pipelinesC. Works proposed to apply water to beneficial use.
gated pipe, tow lines and side roll

NOTE: This permit is for 53.1 additional acres. Pertinent information from Permits No.1543-3 and 2491-3 are incorporated in this application. Permits No. 1543-3 and 2491-3 will be cancelled upon approval of this application.

Estimated Total Cost \$ _____

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 HughesI, George Bowman Jr. 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 George Bowman Jr.Subscribed and sworn to before me this 16th day of July, 1977
Betty Westlund
 Notary Public (or other qualified officer)

Water Rights Specialist I

The Water Rights Commission hereby approves Water Right Application No. 4481-3

BOWMAN BROS.
(Applicant)

Rt. #3 - PIERRE
Box 44 (Post Office Address)

SOUTH DAKOTA 57501 With the following modifications:
(State)

154213XNDX249158ZXXGOMBINBIZNAXOIZDIZMEXEIONBXNDHXETKHXEZOZPRKXIZN
 GHNIZZOKZHZX

The applicable portions of Permits Nos. 1543-3 and 2491-3 have been incorporated into this Permit No. 4431-3 and Permits Nos. 1543-3 and 2491-3 have been placed in a cancelled status.

- * Priority for 146.9 acres established under Permit No. 2491-3 and priority for 53.1 acres under this Permit.

Date of first receipt of application JULY 16, 1979

Date of first receipt of application _____

Date of return to applicant for correction, amendments or changes required JULY 25, 19 79

Date of receipt of corrected application WA AUGUST 14 19 79

Date of receipt of corrected application _____
Approved SEPTEMBER 28, 1979 Recorded in Book 21 Page 62

WATER RIGHT PERMIT NO. 4431-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4431-3 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:

- Application approval, subject, however, to the following limitations and conditions:
1. The date from which applicant may claim right is * DECEMBER 22, 1915 & July 1919
 2. The equivalent of at least one-tifth of the work above specified is ~~to be completed~~ on or before 1919
 3. The whole of said work is ~~to be completed~~ on or before 1919
 4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
 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 2.1 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 use 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 seven-tenth (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 THIS DATE; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 9th day of OCTOBER 1979

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____ 19____

SOIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNERS NAME: Barrman Brothers OWNERS ADDRESS: RT 3 Pierre, SD 57501
COUNTY LAND LOCATED IN: Hughes PHONE: 224-5764 John
TENANT'S NAME AND ADDRESS: (If Other Than Owner) 224-5761 George

Additional land to previous permits

In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: NA
2. SURFACE WATER SOURCE: Therapeutic water source
3. LOCATION OF AREA TO BE IRRIGATED: Section 35-110-76 (Approx 53 Ac)
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)

TYPE OF IRRIGATION: (Show approximate acres under each type of system)

5. GRAVITY on Green TOWLINE CENTER PIVOT GUN OTHER (Specify) Side Roll
5. CROPS TO BE IRRIGATED: Barley, alfalfa
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1968
LAND: 1543-3, 2491-3
IN WHAT NAME: Barrman Brothers

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

3. SAMPLE NUMBER: Miscellaneous
9. SALINITY (EC X 10⁶) 600-750
10. SODIUM (SAR) 1.5-3.5 ADJUSTED (SAR) 3-5.5

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at NA A.M./P.M., on NA, 1979, at the following location: NA

by NA (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from NA Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

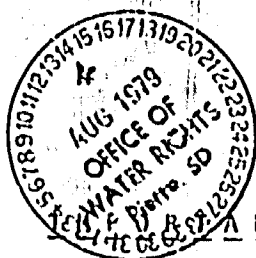
SUBSCRIBED AND SWORN BEFORE ME THIS
DAY OF NA, 1979.

(NOTARY PUBLIC)

NA
7-16-79

George Barrman Jr.
APPLICANT'S SIGNATURE
Keith L. Harner
Director, Division of Conservation

APPROVED
DISAPPROVED
☒ CONDITIONALLY APPROVED



Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

WATER QUALITY

GROUND WATER:

The ground water applicant must send a sample of the ground water to be used for irrigation to the Water Quality Laboratory, Water Resources Research Institute, South Dakota State University, Brookings, South Dakota 57707.

SURFACE WATER:

It is suggested that, whenever possible, an irrigator collect a sample of the surface water to be used for irrigation so that he may be fully aware of any problems he may encounter. From this point on, the application will be handled in the same manner as a groundwater application and shall be forwarded to the Water Quality Laboratory at S.D.S.U., and in turn forwarded to the Department of Agriculture.

Prior to taking a water sample, please note that it may be to your benefit to pump the well or test hole for up to 6 hours. The reason for this is that it is not uncommon for water quality to improve with extended pumping and the better your water quality, the better the chances for obtaining approval of soil/water compatibility.

WATER SAMPLING TECHNIQUE

When water samples are brought or sent in to the laboratory, the analytical results obtained from the sample will be applied to the entire supply. Therefore, the supply can be only as good as the sample.

Based on previous water quality data by the Department of Natural Resources, individual input, and other sources, the water quality of a given aquifer usually remains fairly constant. Consequently, if given a geographic location and depth, an approximation of the water quality can be made. However, the information available at the present time pertains to very few areas and represents only a fraction of the total underground water picture. The areas with the most information are the areas with the most extensive ground water development. Thus, the wells and water samples provided by irrigators are excellent sources of water quality data for aquifers.

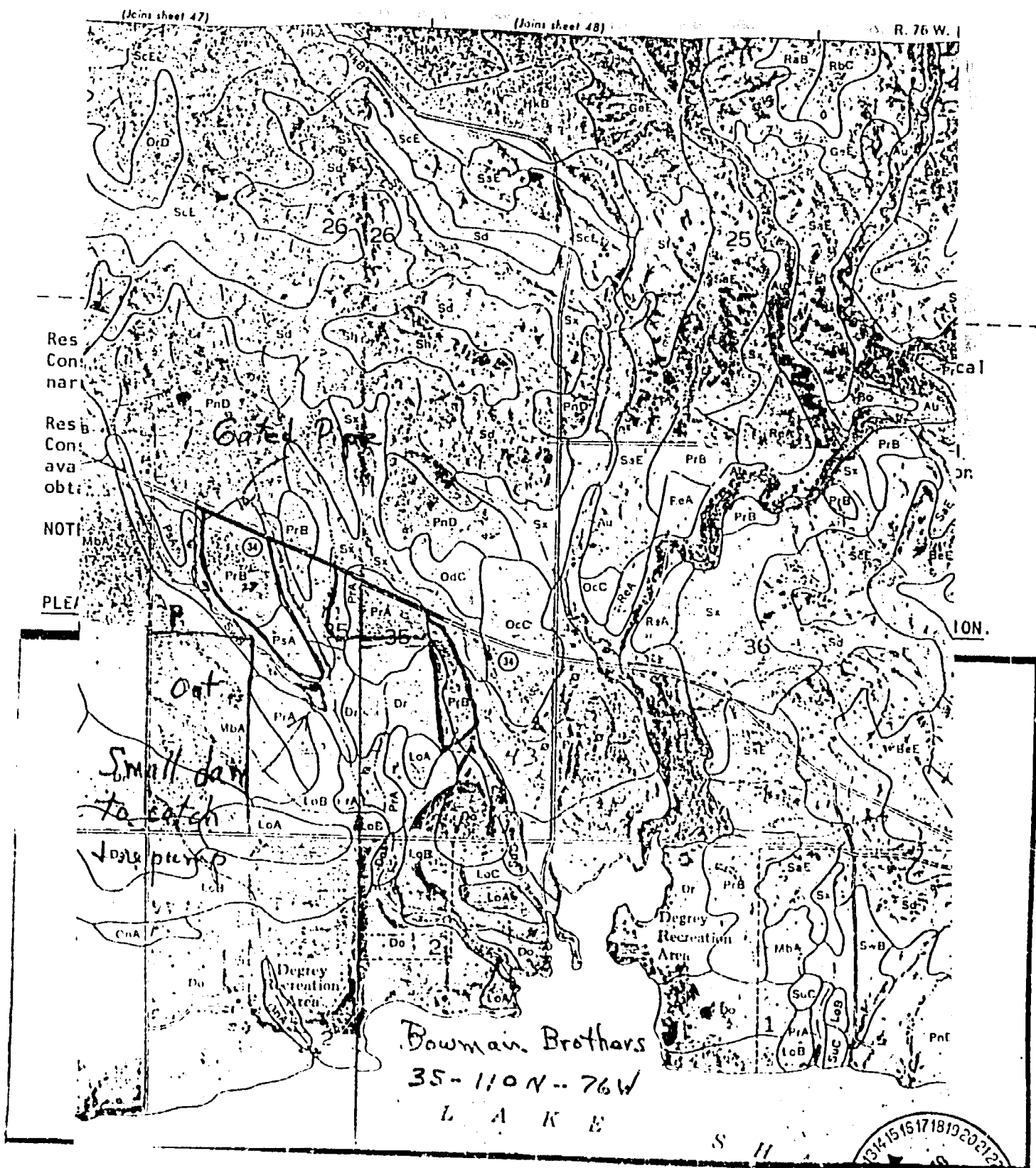
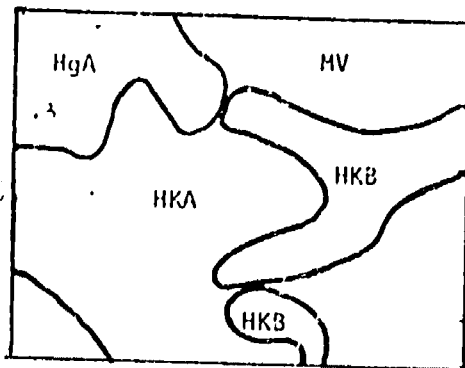
For these reasons, it is imperative that representative water samples be obtained.

Here are a few rules to follow in sampling procedure.

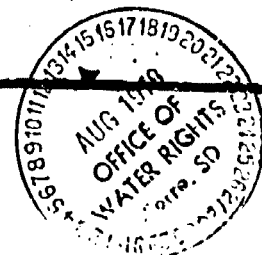
1. Use a pint or quart jar which can be cleaned with a brush or dish cloth.
2. Do not use metal containers.
3. Bottles used for bleach, fabric softener, detergents, and shampoos make very good sample bottles, but are often difficult to remove residues from and get clean.
4. Wash the container with hot, soapy water and rise in boiling water. (Some containers may require washing with hot vinegar to remove foreign residues.)
5. Then rinse the container vigorously with the water to be sampled three times.
6. If the container doesn't look clean, don't use it!
7. Allow enough time for pumping a well to insure "fresh" ground water instead of "drill water and mud" or stagnant water. (Usually 6 hours of pumping a new well is recommended.)
8. When taking surface water samples, obtain the water far enough from shore so that excessive soil and algal growth are not included in the sample. Samples from different depths should be composited into one sample.
9. Remember, we need at least a pint of sample.
10. Try to get the water sample to the laboratory as soon as possible after obtaining the sample. Time has a definite effect on water quality.

E X A M P L E

1A - Ground clay @ 2 1/2"
1B - Ground clay @ 2 1/2"
Dr - Down will have this
1C - Ground clay @ 2 1/2"
1D - Ground clay @ 2 1/2"



PLEASE USE BACK OF THIS SHEET FOR NARRATIVE
OR ATTACH SEPARATE SHEET



REC-MGMT/FORM
12/78

d

CONDITIONAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

Approximately:
53 acres-
addition to previous
permit.

NAME OF APPLICANT Bowman Bros., Pierre, SD

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

PrA - Promiss clay
PrB - Promise clay

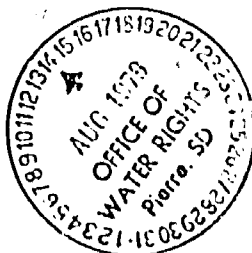
cannot be successfully irrigated with a
center pivot system or any other sprinkler
system that applies more than .2 inches per hour.

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 3-4 times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at
least 2-4 inches of water.
3. ☒ Yes () No Surface drainage suggested on any area that tends to pond
water.
4. () Yes () No Subsurface drainage suggested on _____
5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils
COMMENTS: Occasional use will be beneficial.
6. ☒ Heavy fall application of irrigation water., especially after deep chiseling.
7. Type of irrigation system recommended for use on this application side-roll or
gated pipe

GENERAL COMMENTS:

Short runs on portions of this application will need a small gate opening and
irrigated for a longer period of time to assure the needed water penetration
into the fine textured, heavy subsoils.



Copy to applicant
Copy to Water Rights
Copy on file



SOUTH



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322

Pierre, South Dakota 57501

Phone 605/7733258

IRRIGATION PROGRAM: 773-3259

August 9, 1979

Bowman Bros.
c/o George F. Bowman, Jr.
Route #3
Pierre, South Dakota 57501

Dear Mr. Bowman:

This is in reference to your WI#1 Soil/Water Compatibility Application Form for the Section 35-110-76 - Approximately 53.

At this time we have conditionally approved your WI#1 Form. Your application is conditional as your water and soils are marginal in nature and there does exist a possibility of land damage. However, with a high level of water and land management the risks are minimal.

Your conditionally approved application is now being forwarded to the Water Rights Commission for their action. Please be advised that the Water Rights Commission will make the final determination on your water right application.

The following conditions have been added to your application. If these limits of salt and sodium build-up in the soil are exceeded, or soil restrictions are not followed, the State Conservation Commission may request suspension of your water right. However, the primary purpose of imposing these conditions upon your application is to call your attention to the necessity of avoiding salt and sodium build-up beyond these levels. As you reach or exceed these levels, land and crop damage begins to occur. We urge you to begin a system of monitoring the salt and sodium conditions in your soil so that you may take action on your own if the build-up approaches these levels. In relation to the overall cost of installing and maintaining an irrigation system, the cost of monitoring soil conditions will be insignificant.

If you desire assistance in establishing a monitoring system, you may obtain assistance from a variety of places including this office, the Water Quality Laboratory at South Dakota State University, your Extension Agent or your local Conservation District.

CONDITIONS:

SALT: Maximum allowable salt build-up in soil profile: 3000 umhos/cm³

SODIUM: Maximum allowable sodium build-up in soil profile: 8% sodium saturation.

SOIL RESTRICTIONS: As noted on management form.

Sincerely,

Keith Harner, Director
Division of Conservation

d

Enclosure: Management Form



No. 4431-3

Publish first publication, on or before August 31, 1970

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 20, 1970

Notice is hereby given Bowman Bros. whose post office

address is Pierre, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l cubic feet of

water per second of time from the Missouri River through the

Bowman No. 1, the point ~~xx~~ of diversion of which is ~~(xx)~~ to be located in the SE 1/4 NE 1/4

of Section 2, Twp. 100 N Range 76 W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S 1/4 NW 1/4; SW 1/4 NE 1/4; E 1/4 SW 1/4; and SE 1/4, all in Section 35-T110N-R76W

This Application No. 4431-3 will be considered by the Water Management Board at Community Room, City Hall
222 East Dakota; Pierre, SD upon the 37th day of September 1970

at 10 AM. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialist

cc: Bowman Bros.
Rt#3
Pierre, SD 57501

FORM 6 - Notice of Intent to Appropriate Water:
SURFACE WATER

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

No. 4431-3

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

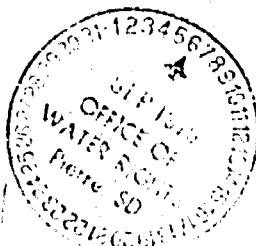
County of Hughes and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

August 28, 1979 and

September 4, 1979.

John H. Hipple (Signature)
Business Manager
(Title)

September 4, 1979
(Date Signed)



No. 4763 - 21 dly. Aug. 28 - Sept. 4

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Notice is hereby given Bowman Bros. whose post office address is Pierre, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-9 thru 46-2-11, 46-2-13, 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l. cubic feet of water per second of time from the Missouri River through the Bowman No. 1 to add additional acreage on an existing permit, the point of diversion of which is to be located in the SE 1/4 NE 1/4 of Section 2, Twp. 109 N, Range 76 W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S 1/2 NW 1/4, S 1/2 SW 1/4, NE 1/4 E 1/2 SW 1/4 and SE 1/4 all in Section 35-T110N-R76W.

This Application No. 4431-3 will be considered by the Water Management Board at Community Room, City Hall, 222 East Dakota, Pierre, SD upon the 27th day of September, 1979, at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

WATER MANAGEMENT
BOARD
BETTY WESTLUND
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6955

PIERRE, July 16, 1979

RECEIVED OF Bowman Bros., Route 3, Pierre, SD

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

Fee for Application for Permit to appropriate Water No. 443-3 (examination, processing, recording and filing)	150	00
Fee for inspecting Construction, and issuing Cert of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Cert Acate-Dry Dr. w. No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH /kw

(9) Power Pump 1 full tank
Date 11/18/83 L.N.M.

Permit No. 4431-3
Missouri River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, October 22, 2001 made a thorough examination of the water use system constructed by Bowman Brothers of 201 N. Harrison, Pierre, SD 57501 holder of Permit No. 4431-3, bearing the priority of December 22, 1975 and July 16, 1979 authorizing the diversion of 2.1 cu. ft. per second of the waters of Missouri River for irrigation purposes, in Hughes County.

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

A. Works used to divert the water:

Berkeley pump model no. B4JQBM-CW, 13½ inch, and 750 gpm capacity; Chrysler motor model no. 413 rated at 200 hp.

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

2000 feet of 10-inch aluminum pipe, 2005 feet of 8" aluminum pipe, and 535 feet of 8-inch pvc pipe.

C. Works used to apply water to beneficial use:

Electrogator center pivot 1512' in length with 10 towers and an end gun that provides an additional 100 feet of spray. It is a low pressure system with a 750 gpm capacity.

The system is in the following condition good. The point of diversion is located 1370' W and 2180' S of the NE corner Section 2, T109N-R76W. The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 35, T110N-R76W:

<u>SW¼ NE¼ 13 ac.</u>	<u>SE¼ NW¼ 13 ac.</u>
<u>NE¼ SW¼ 40 ac.</u>	<u>NE¼ SE¼ 5 ac.</u>
<u>NW¼ SW¼ 5 ac.</u>	<u>NW¼ SE¼ 40 ac.</u>
<u>SW¼ SW¼ 1 ac.</u>	<u>SW¼ SE¼ 32 ac.</u>
<u>SE¼ SW¼ 32 ac.</u>	<u>SE¼ SE¼ 1 ac.</u>

comprising a total of 182 acres of land and the license should be issued for 1.67 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

Lynn Beck
Lynn Beck

Oct. 25, 2001
Date

Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 4431-3

DATE OF INSPECTION: October 22, 2001

Other permit(s) associated with the project: 1543-3 and 2491-3 Incorp. into 4431-3.

NAME & ADDRESS OF INSPECTION CONTACT: Earl Raines, 21286 Dunbar Rd., Pierre, SD 57501

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: operator

NAME & ADDRESS OF PERMIT HOLDER: Bowman Brothers, Philip Bowman, 201 N. Harrison, Pierre SD 57501

DIVERSION POINT LEGAL LOCATION: 1370' W and 2180' S of the NE corner in the SW 1/4 NE 1/4 Section 2, T109N-R76W.

Pump:

- 1) Make Berkeley
- 2) Model B4IQBM-CW
- 3) Size 13 1/2
- 4) Capacity 750 GPM

Motor:

- 1) Make Chrysler
- 2) Model No. 413
- 3) Horsepower rating 200 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type aluminum 2) Size 10" 3) Length 2000 feet
- 1) Type aluminum 2) Size 8" 3) Length 2005 feet
- 1) Type pvc 2) Size 8" 3) Length 535 feet

SYSTEM TYPE:

Center Pivot:

- 1) Make Electrogator
- 2) Overall length 1512'
- 3) Number of towers 10
- 4) End gun yes, add'l 100'
- 5) High or low pressure low
- 6) Capacity 750 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation questionnaires checked to determine if permit owner started irrigation by the end of construction period yes



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 30, 2001

4431-3

Bowman Brothers
Philip Bowman
201 N Harrison
Pierre SD 57501

Dear Mr. Bowman:

On October 22, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 4431-3, was completed by Lynn Beck, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Bowman Brothers, Phillip Bowman

ADDRESS: 201 N. Harrison, Pierre, SD 57501

DATE: October 30, 2001 **COUNTY:** Hughes **TELEPHONE:** (605)224-9846

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The permitted diversion point is located at the Missouri River in the SE¼ NE¼ Section 2, T109N, R76W. The actual diversion point is located at the Missouri River in the SW¼ NE¼ Section 2, T109N, R76W. .

- **If irrigation, no new land is irrigated**

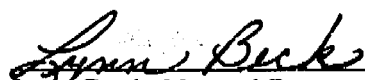
Land irrigated that was not included in the permit is located in the W½ SW¼ Section 35, T110N, R76W. See "Licensing of Acreage Outside of Permitted Area" document.

- **Review of Existing Diversions**

There are five diversion points under six different permits within one mile of the diversion point for Permit No. 4431-3. They are all from the Missouri River and will not be affected by the developed diversion point for Permit No. 4431-3.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Lynn Beck, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

Licensing of Acreage Outside of Permitted Area

NAME: Bowman Brothers, Philip Bowman

ADDRESS: 201 N. Harrison, Pierre, SD 57501

DATE: October 26, 2001 COUNTY: Hughes TELEPHONE: (605)224-9846

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 182 acres as compared to 200 acres authorized by the permit. The land irrigated in the W½ SW¼ Section 35, T110N, R76W was not included on Permit No. 4431-3. Licensing of the permit will result in a reduction in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The unpermitted acres are contiguous to the permitted acres.

- **Owned by Same Property Owner**

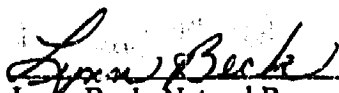
yes

- **Developed Prior to Expiration of Construction Period**

Project was constructed at the time of application; center pivot put on land at later date.

RECOMMENDED ACTION

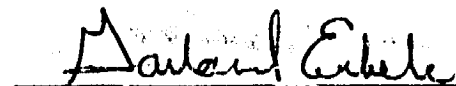
Based on the above criteria, it is recommended that the 182-acre area be included in the water license.



Lynn Beck, Natural Resources Engineer Specialist
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416955

Pierre, NOVEMBER 2, 2001

Pierre, SD 57501

RECEIVED OF Phillip A. Bowman, Bowman Brothers, 201 N Harrison, Pierre, SD 57501
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct

and to put water to beneficial use _____ to Appropriate Water, for Future

Fee for Application for Permit No. _____

Use _____ after period of seven years.

Fee to retain Future Use Permit No. _____

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water

License No. 4431-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

Total 50 00

(Any Other Work Provided by Law)

By David E. Eide gm
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

DEC 07 2001

4431-3

Bowman Brothers
Philip Bowman
201 N. Harrison
Pierre, SD 57501

Dear Mr. Bowman:

Enclosed is Water License No. 4431-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416955 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4431-3

(1) Bowman Brothers, 201 N Harrison, Pierre SD 57501 made Application No. 4431-3, July 16, 1979 for a water permit to divert 2.1 cubic feet of water per second from the Missouri River, Hughes County, South Dakota for irrigation purposes. Permit No. 4431-3, with priority dates of December 22, 1975 and July 16, 1979 was approved September 28, 1979 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of said water completed.

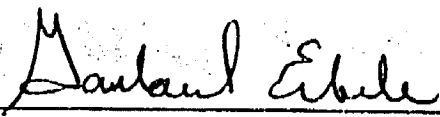
An investigation conducted for licensing purposes found the diversion point and some of the acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-13.1 and 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to the completion of the construction of the water supply system and is entitled to divert 1.67 cubic feet of water per second for beneficial use. The location of the diversion point is 1,370 feet west and 2,180 feet south of the northeast corner of Section 2-T109N-R76W (SW 1/4 NE 1/4).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 35-T110N-R76W			
SW 1/4 NE 1/4	13 acres	SE 1/4 NW 1/4	13 acres
NE 1/4 SW 1/4	40 acres	NE 1/4 SE 1/4	5 acres
NW 1/4 SW 1/4	5 acres	NW 1/4 SE 1/4	40 acres
SW 1/4 SW 1/4	1 acre	SW 1/4 SE 1/4	32 acres
SE 1/4 SW 1/4	32 acres	SE 1/4 SE 1/4	1 acre
Total 182 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Bowman Brothers, 201 N Harrison, Pierre SD 57501 permit holder and/or owner of Water Right No. 4431-3 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from the Missouri River with priority dates of December 22, 1975 (146.9 acres) and July 16, 1979 (35.1 acres) from the location specified in (2) of this license. The water to be conducted to and up lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 4431-3 and subject to South Dakota State Law.


GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 07 2001
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 4, 2003

4431-3

Lowell C Hansen
4701 S Minnesota
Sioux Falls SD 57105-6754

Dear Mr. Hansen:

I am contacting you in regard to ownership of land described in Water Right No. 4431-3. The water right is currently listed in the name of Bowman Brothers. I have enclosed a copy for your review.

On last year's irrigation questionnaire, Mr. Raines added a note that you were the owner of the land. I realized today when going through those forms that I had neglected to send you a transfer of ownership form for changing the water right to your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please give me a call.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 4, 2003

RECEIVED
JUL - 2 2003
WATER RIGHTS
PROGRAM

4431-3

Lowell C Hansen
4701 S Minnesota
Sioux Falls SD 57105-6754

Dear Mr. Hansen:

I am contacting you in regard to ownership of land described in Water Right No. 4431-3. The water right is currently listed in the name of Bowman Brothers. I have enclosed a copy for your review.

On last year's irrigation questionnaire, Mr. Raines added a note that you were the owner of the land. I realized today when going through those forms that I had neglected to send you a transfer of ownership form for changing the water right to your name.

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If I can answer any questions for you, please give me a call.

Sincerely,

Genny McMath
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

Thanks -

I leave the land from
Mr. Bowman. Bowman Bros
continue to own the land
and the water right.

Thanks

Louise / Nonsuch



November 2, 2004

4431-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

3728-3
4431-3

Gerald Ward
21286 Dunbar Rd
Pierre SD 57501

Dear Mr. Ward:

I am contacting you in regard to Water Right Nos. 3728-3 and 4431-3. Lowell Hansen has notified our office that the land described in these water rights has been sold to you. I have included copies of the water rights for your review.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed are the "2004" irrigation questionnaires pertaining to any irrigation that may have been done during the 2004 crop season. I have included a copy of No. 4431-3 submitted a couple years ago. This will give you an idea of what type of information is needed. Please complete the forms and return them to us by **December 3, 2004.**

The documents that need to be returned are the two transfer forms, \$5.00 filing fee and the 2004 irrigation questionnaires. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

North Ridge Ranch, Inc.

Ms Genny McMath
Environmental Scientist
Dept of Environment and
Natural Resources

Dear Ms McMath:

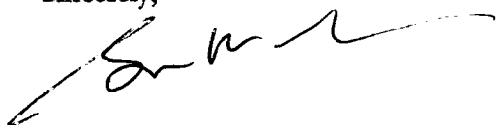
Re Water Right Nos. 3728-3 and 4431-3
Your letter of November 2, 2004

With regard to 4431-3 this land is owned by Bowman Bros and I lease the land (as did Mr. Hansen in prior years). The water right is still owned by Bowmans. We did irrigate this past year, however, so I completed the questionnaire if that is helpful.

With regard to 3728-3, I may be wrong but I think this is related to a different ranch than the one Mr Hansen sold me last year. I don't own any land in Township 109.

Hope this helps. You can also e-mail me at gerald.ward@us.pwc.com

Sincerely,



Gerald M. Ward

RECEIVED

NOV 29 2004

WATER RIGHTS
PROGRAM

NOT TO SCALE

Map by J. J. Mernaugh 6-1-79

Scale 1" = 660'

8" = 1 mi

1 sq. in. = 10 Ac.

82-R

Bowman Brothers

SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 3 Ac

SE $\frac{1}{4}$ NW $\frac{1}{4}$
12 Ac
out

SW $\frac{1}{4}$ NE $\frac{1}{4}$
14 Ac

35

16.8

NE $\frac{1}{4}$ SW $\frac{1}{4}$ -
21 Ac

4.8 out

30.7

SE $\frac{1}{4}$ SW $\frac{1}{4}$
40 Ac.

8.1

53.2

10.5
NE $\frac{1}{4}$ SE $\frac{1}{4}$ - out
21 Ac.

NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 Ac.

SW $\frac{1}{4}$ SE $\frac{1}{4}$
29 Ac.

11.9

SE $\frac{1}{4}$ SE $\frac{1}{4}$
Err.
20 Ac

Riser

110-76 out

25.0

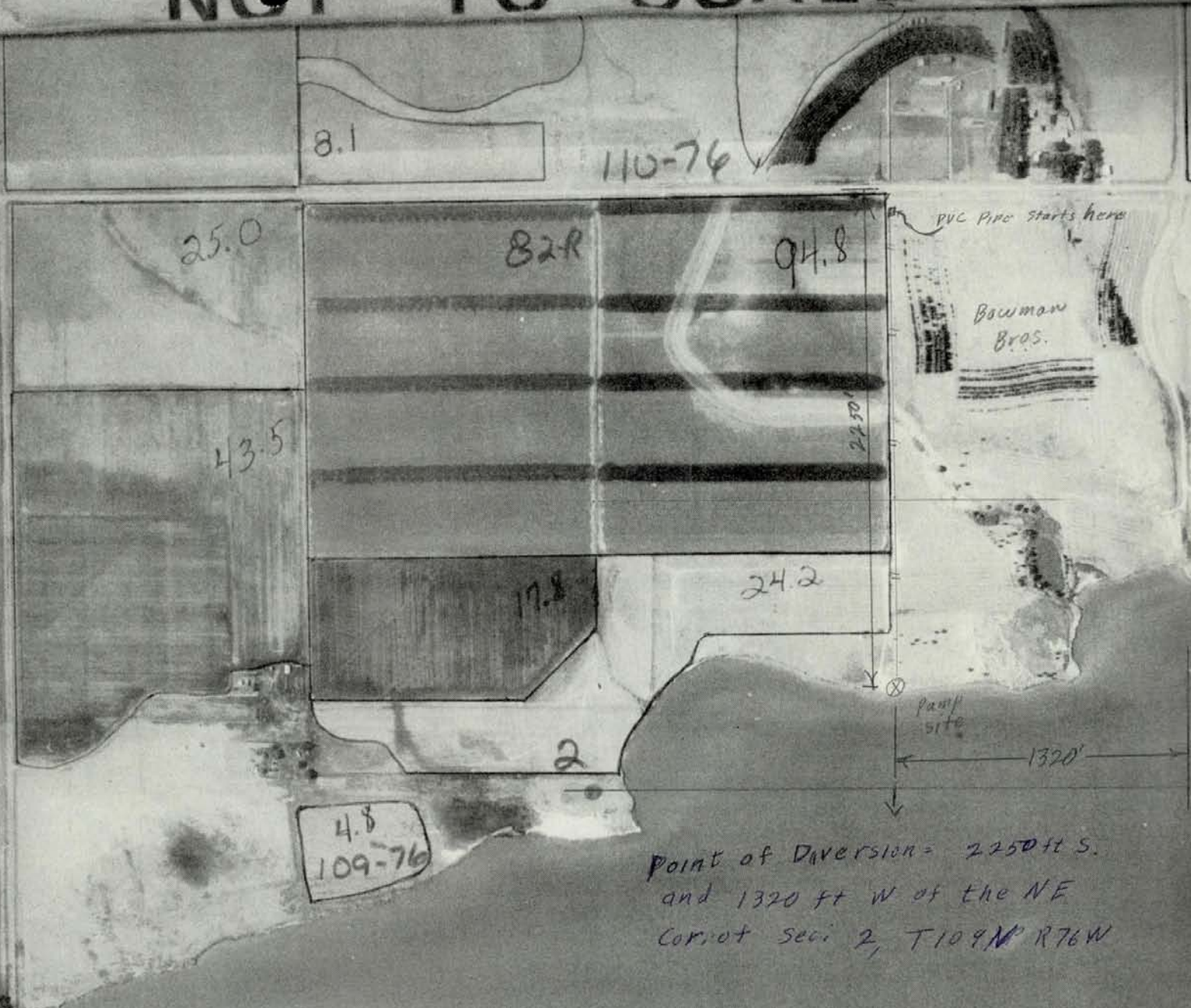
82-R

94.8

#1 of 2

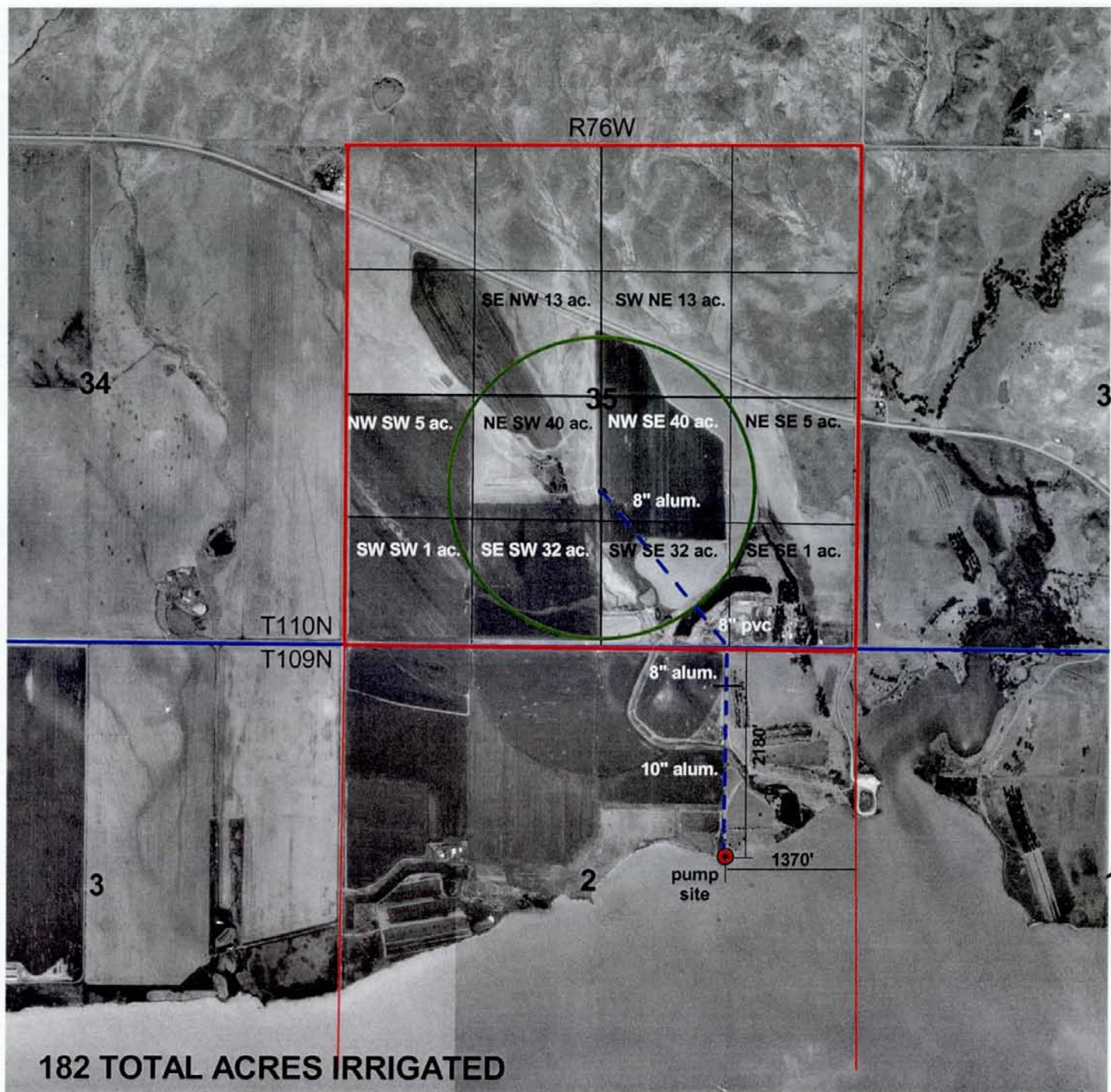
~~Map No. 3~~ appt. 431-3

NOT TO SCALE



Bowman Bros

Water Right No. 4431-3 Bowman Brothers



SCALE



Lynn Beck
Natural Resources Engineer Specialist
Water Rights Program, DENR
October 25, 2001

Lynn Beck

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today



NOT TO SCALE





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 30th, 2026

4431-3

Leasor
Gerald Ward
21286 Dunbar Rd
Pierre, SD 57501

Dear Mr. Ward,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us



4431-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2026

NOTICE

TO: GERALD WARD, LEASOR, 21286 DUNBAR RD, PIERRE, SD 57501

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire has not been submitted for Permit No(s) 4431-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4431-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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.

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: GRGKWU**

cc: PHILIP BOWMAN, 201 N HARRISON, PIERRE, SD 57501-3450

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.