

1. Considered November 19 19 80
2. Name of Applicant Bowers Distillery, Inc.
3. Post Office Address Box 1238, Pierre, S.D.
4. Amount of Water Claimed 34.3
5. Source of Water Supply Missouri River
6. Water to be used for IRR (Mint farm) maximum
7. Acres to be irrigated 2,402.27 acre feet
8. Water to be diverted and used in Hughes County
about 35E and 17 miles South of Pierre
9. PROOF OF PUBLICATION Received 11-5-80
Not Received _____
- APPLICATION Approved 11-19-80
Subject to _____
Not Approved _____
Action deferred _____

Priority
7/31/80

Date 7/31/80 Application Complete yes XX no _____ FEE \$1,150.00

Remarks The applicant has agreed to pay the fee for the water right.
The applicant has agreed to pay the fee for the water right.
The applicant has agreed to pay the fee for the water right.

Date information and/or
fee or corrected Application received _____
Period of Annual use April thru October

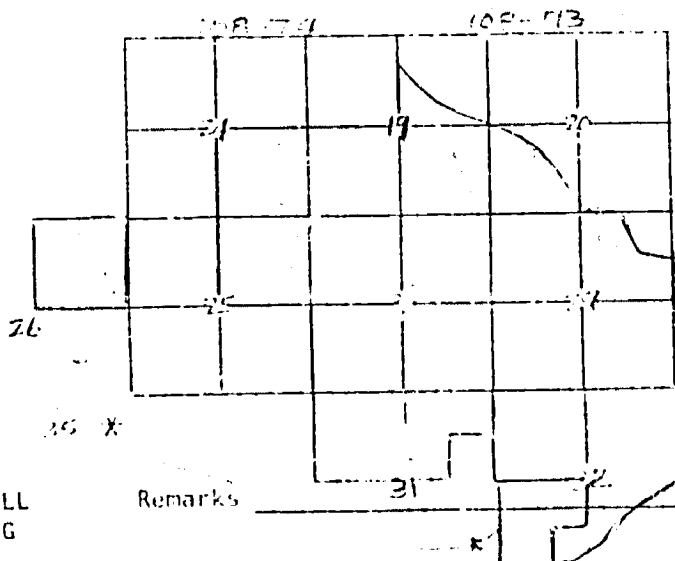
WATER
QUALITY

Received yes 9/18/80 10/13/80 no _____ APPROVED CONDITIONAL (Circle one)

WI-1 Description same as application yes XX no _____ Remarks _____

Disapproved _____

Returned _____



Diversion Point Between points in the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T108N, R74W and
the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31-T108N-R73W

Lands to be irrigated SE $\frac{1}{4}$, Sec. 24;
NE $\frac{1}{4}$, Sec. 25 and NE $\frac{1}{4}$ Sec. 25, all in
T108N-R74W and S $\frac{1}{2}$ and NE $\frac{1}{4}$, Sec. 19;
Section 30; N $\frac{1}{4}$, Sec. 31; SW $\frac{1}{4}$, Sec. 20;
Sections 29 and 32, all in T108N, R73W

WELL
LOG

Remarks _____

n/a

Driller _____ Licensed yes _____ no _____

Depth _____

Water Right No. 7553-3

MAP

Map No. 3777-3 Map located In Water Right X Map file _____
Type of Map Altimeter Prepared by P. C. Glick

+++++

REVIEWED

This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the board on April 19, 1980.

John W. H. H. H.
(Signed)

+++++

PROTESTS

Letters/Petitions In File - yes _____ no _____ Remarks _____

REMARKS

Date _____
Final Decision, including F.F. & C of Law were adopted _____
Date _____
Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____

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

Remarks _____

No. 4559-3Map No. 3779-3 Water Division No. 3 MISSOURI RIVER District
Above for Office Use 10140101

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New XX Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Bowers Distillery, Inc. Phone No. 224-6937Post Office Address P. O. Box 1238 Pierre State South Dakota 57501
(Street, RR, or Box) (Town) (Zip Code)If a corporation show date and place of incorporation November 1967 Oregon2. Method of accomplishing work (contract, employment of others, or by direct labor) contract3. Name of diversion work Bowers Irrigation Project #14. Amount of water claimed (cubic feet per second) 34.35. Source of water supply Missouri River6. Location of point of diversion on the left bank of the Missouri River, east of the
N-S quarter line in section 35, T74W-R108W and west of the east section
line of section 31, T73W-R108N County Hughes7. Annual period or periods during which water is to be used irrigation season Apr. thru Oct.8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 2402.27

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.
see attachment A			

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 county newspaper for publication of Notice of Intent to Appropriate Water Pierre Capitol Journal

12. Principal Features of the Proposed Water Supply System:

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

Centrifugal pumps

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

Buried pipeline

C. Works proposed to apply water to beneficial use.

Center pivot to irrigation system

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 Hughes) ss.I, James H. Bowers, President of Bowers Distillery Inc. 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 By James H. Bowers, Inc.Subscribed and sworn to before me, this 25th day of July, 1980Donald W. Rogers
Notary Public (or other qualified officer)

Page 74 West

Page 73 West

TWSP 108 North

To Pierre - 35 mi

Hard Surface

gravel

gravel

School House

Zimmerman

Buildings

Pump #1

input of pipe only

Pump #2

75
100
200
200

All
Pumps

Electrogenerator

Pump #3

7 pumps

Water Area is Reserved to Asst

Missouri River
Lake Sharp
Big Bend Dam

Pump # - Pump Stations

P1 - Center Pivot Number

— Under Ground Pipe Line

Appraisal made on 9/1/80
Don Smith & Ted Klug

County Hughes

State S. Dak. Applicant Bowers Distillery, Inc.

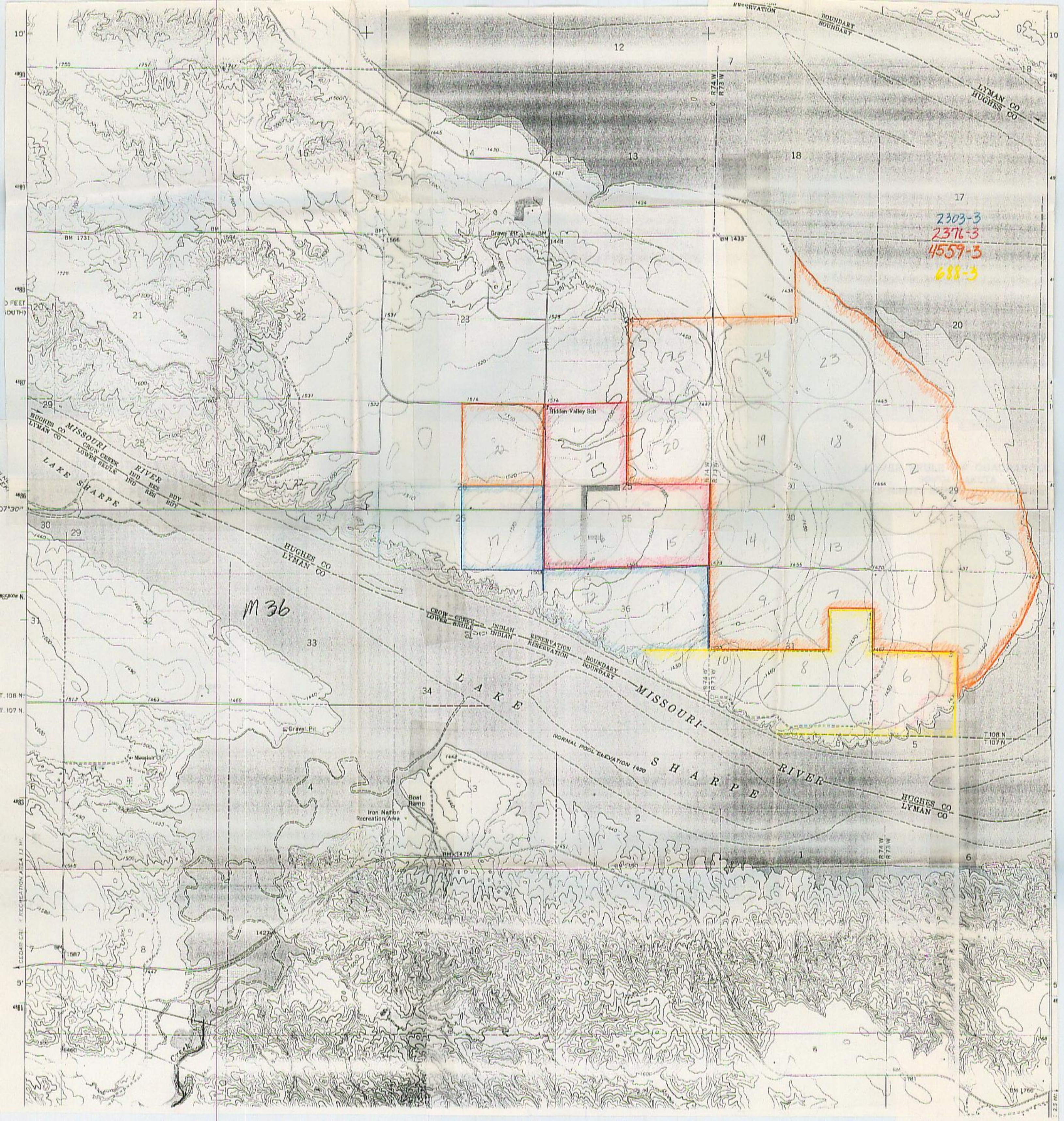
Total Acres 2400

Scale 2 inches equals 1 mile

Green	Deeded Grazing Land
Brown	Deeded Center Pivot Irrig.
Purple	Deeded Dry Cultivated
Red	Federal Leases U.S. Army Corps.
Yellow	Leases Indian Tribal
	Private Leases

Show fences
and watering
facilities

4559-3



4559-3

T796

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE



Engineer
March 28, 1989

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 4559-3

Bowers Distillery, Inc.

Box 1238, Pierre,

(Post Office Address)

(Applicant)

South Dakota 57501

(State)

With the following qualifications.

Date of first receipt of application July 31, 19 80
 Date of return to applicant for correction, amendments or changes required October 13, 19 80
 Date of receipt of corrected application October 13, 19 80
 Approved November 19, 19 80, Recorded in Book 21 Page 307
 WATER RIGHT PERMIT NO. 4559-3

The Board of Water Management hereby grants and issues this Water Right Permit No. 4559-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified 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 13, 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before May 19, 19 83
3. The whole of said work is to be completed on or before November 19, 19 85
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is November 19, 19 89
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 34.5 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 irrigation purposes said appropriation must be limited to not more than 2 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 19, 19 89; said water to be used during the following described annual period: April thru October

Witness my hand this 5th day of December, 19 80

THE BOARD OF WATER MANAGEMENT

By

John Hatch
 Chief Engineer, Water Rights
 JOHN HATCH

Certificate of Construction Issued 19

ATTACHMENT A

DESCRIPTION OF LAND TO BE IRRIGATED

<u>Land</u>	<u>Description</u>	<u>Acres</u>
T108N, R73W, Section 19,	E $\frac{1}{2}$ SE $\frac{1}{4}$	67
	Crow Creek Sioux Tribe	
	W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$	106
	Bowers Distillery, Inc.	
	E $\frac{1}{2}$ SW $\frac{1}{4}$	80
CHESTER & DORRA GREGG	W $\frac{1}{2}$ SW $\frac{1}{4}$	79.44
	Crow Creek Sioux Tribe	
	Section 20, SW $\frac{1}{4}$	32.75
	Bowers Distillery, Inc.	
	Section 29, SE $\frac{1}{4}$	62.50
	Bower Distillery, Inc.	
	SW $\frac{1}{4}$	157.46
	Bower Distillery, Inc.	
	NW $\frac{1}{4}$	132.46
	Bower Distillery, Inc.	
	Section 30, SE $\frac{1}{4}$	160
	Bureau of Indian Affairs in Trust for CC-1359	
	SW $\frac{1}{4}$	160
	Bower Distillery, Inc.	
	NW $\frac{1}{4}$	160
	Bower Distillery, Inc.	
	N $\frac{1}{2}$, NE $\frac{1}{4}$	80
	Bower Distillery, Inc.	
	SE $\frac{1}{4}$, NE $\frac{1}{4}$	37.16
	Bower Distillery, Inc.	
	SW $\frac{1}{4}$, NE $\frac{1}{4}$	40
	Bureau of Indian Affairs in Trust for Lyle Gravatt	
	Section 31, NW $\frac{1}{4}$	160
	Bureau of Indian Affairs in Trust for Lyle Gravatt	
	N $\frac{1}{2}$, NE $\frac{1}{4}$	80
	Crow Creek Sioux Tribe	
	SW $\frac{1}{4}$, NE $\frac{1}{4}$	40
	Bureau of Indian Affairs in Trust for Guy St. John	
	Section 32, SE $\frac{1}{4}$	20
	Evans Nord	
	SE $\frac{1}{4}$, SW $\frac{1}{4}$	7.5
	Bower Distillery, Inc.	
	NW $\frac{1}{4}$	160
	Bower Distillery, Inc.	
	NE $\frac{1}{4}$	100

Description of land to be irrigated - continued

<u>Land</u>	<u>Description</u>	<u>Acres</u>
T108N, R74W	Crow Creek Sioux Tribe Section 24, SE"	160
	Crow Creek Sioux Tribe Section 25, NE $\frac{1}{4}$	160
	Crow Creek Sioux Tribe Section 26, NE $\frac{1}{4}$	160
	Bureau of Indian Affairs in Trust for Lyle Gravatt	
	TOTAL	2322.89 2402.27

375"

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

OWNERS NAME: Bowers Distillers OWNERS ADDRESS: P.O. Box 1238
Pierre, SD

COUNTY LAND LOCATED IN: Hughes PHONE: _____

TENANT'S NAME AND ADDRESS: (if Other Than Owner) _____

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

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

1. WELL LOCATION OR DIVERSION POINT: NE1-Sec.35-103-74;SE1-Sec.36-103-74;NE1-Sec.6-107-73
2. SURFACE WATER SOURCE: Missouri River
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
EA 1/4 Sec. 19-T108N-R73W	67		
WA 1/4 Sec. 19-T108N-R73W	103		
WA SW1/4 Sec. 19-T108N-R73W	79.4		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: _____
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: Missouri River
8. SALINITY (EC X 10⁶): 529
9. SODIUM (SAR): 1.4
10. ADJUSTED (SAR): 2.6

RECEIVED

OCT 08 1980

South Dakota
Division of Conservation

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 instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____ by _____ (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 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

8th DAY OF October, 1980.

Maria Appenstien Shoop
(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Keith L. Harner
Director, Division of Conservation

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

- ☒ APPROVED
☐ DISAPPROVED
☐ CONDITIONALLY APPROVED

OCT 1989
 DIVISION OF
 WATER RIGHTS
 Pierre, SD

SOIL RESTRICTIONS:

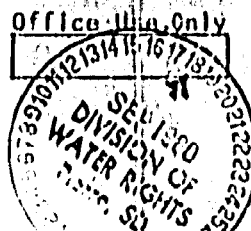
THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

RECOMMENDED MANAGEMENT:

Same management plan as for the original application.

CONSERVATION COMMISSION
WATER FORM
3/80

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



OWNERS NAME: BOWERS Distillery OWNERS ADDRESS: P. O. Box 125566
Pierre, SD 57501

COUNTY LAND LOCATED IN: Hughes PHONE: 224-1037

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 3 months of receipt of such water permit.

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

1. WELL LOCATION OR DIVERGION POINT: 001300.35 100 71.12 001300.35 100 71.12
2. SURFACE WATER SOURCE: Missouri River
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>See attachment</u>			

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: (Specify) _____
5. CROPS TO BE IRRIGATED: corn, mint, alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 60, 75, 76
LEGAL DESCRIPTION: see attachment
IN WHAT NAME: A.M. Farms, Inc.

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

7. WATER SAMPLE NUMBER: Missouri River
8. SALINITY (EC X 10⁶): 529
9. SODIUM (SAR): 1.41
10. ADJUSTED (SAR): 2.6

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 instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____ by _____ (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 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
25th DAY OF July, 1980.

Donald A. Haggard
(NOTARY PUBLIC)

Donald A. Haggard

Notary Public, Hughes County

My Commission Expires January 10, 1992

Bowers Distillery, Inc.

By James H. Bowers, Pres.
APPLICANT'S SIGNATURE

Keith L. Hammer
Director, Division of Conservation

____ APPROVED

____ DISAPPROVED

____ CONDITIONALLY APPROVED

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

Bowers Distillery, Inc.

Section 19-T108N-R73W:

E $\frac{1}{2}$ SE $\frac{1}{4}$ E $\frac{1}{2}$	67.0 acres
W $\frac{1}{2}$ SE $\frac{1}{4}$ E $\frac{1}{2}$	106.0 acres
E $\frac{1}{2}$ SW $\frac{1}{4}$	80.0 acres
W $\frac{1}{2}$ SW $\frac{1}{4}$	79.99 "

Section 20-T108N-R73W:

SW $\frac{1}{4}$	32.75 acres
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Section 29-T108N-R73W:

SE $\frac{1}{4}$	62.50 acres
SW $\frac{1}{4}$	157.46 acres
NW $\frac{1}{4}$	132.46 acres

Section 30-T108N-R73W:

SE $\frac{1}{4}$	160.0 acres
SW $\frac{1}{4}$	160.0 acres
NW $\frac{1}{4}$	160.0 acres
N $\frac{1}{2}$ -NE $\frac{1}{4}$	80.0 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	37.16 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 acres

Section 31-T108N-R73W:

NW $\frac{1}{4}$	160.0 acres
N $\frac{1}{2}$ NE $\frac{1}{4}$	80.0 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 acres

Section 32-T108N-R73W:

SE $\frac{1}{4}$	20.0 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.5 acres
NW $\frac{1}{4}$	160.0 acres
NE $\frac{1}{4}$	100.0 acres

Section 24-T108N-R74W:

SE $\frac{1}{4}$	160.0 acres
------------------	-------------

Section 25-T108N-R74W:

NE $\frac{1}{4}$	160.0 acres
------------------	-------------

Section 26-T108N-R74W:

NE $\frac{1}{4}$	160.0 acres
------------------	-------------

U.S. DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT Bowers Distillery, Pierre

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

Sf - Schamber-Orton Complex are shallow to gravel on short steep slopes.

The few small areas of such soils that lie within the pivot radius should be kept in permanent vegetation.

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than _____ times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least _____ inches of water.
3. ☒ Yes ☐ No Surface drainage suggested on See below
4. ☐ Yes ☐ No Subsurface drainage suggested on _____
5. ☐ Deep tillage (for the purpose of aiding movement of water through dense subsoils.

COMMENTS:

6. ☐ Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application _____

GENERAL COMMENTS:

The narrow Onita swale that extends through Sec. 19, 24, 30, and 31, 36 will tend to pond water and cause water logged areas unless it is graded to a continuous slope. The degree of slope should dictate if it should be treated as a grassed waterway.

Copy to applicant
Copy to Water Rights
Copy on File

No. 4559-3

Publish first publication, on or before October 31, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 15, 1980

Notice is hereby given Bowers Distillery Inc. 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 34.3 cubic feet of

water per second of time from the Missouri River through the Bowers Irrigation Project #1, the point(s) of diversion of which ~~xxx~~ are to be located ~~xxxxxx~~ between points in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T108N, R74W and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T108N R73W

~~xx~~. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$, Section 24; NE $\frac{1}{4}$, Section 25 & NE $\frac{1}{4}$ Sec. 26 all in T108N, R74W and S $\frac{1}{4}$ & NE $\frac{1}{4}$ Sec. 19; Section 30; N $\frac{1}{4}$, Section 31; SW $\frac{1}{4}$, Section 20; Sections 29 & 32, all in T108N, R73W

This Application No. 4559-3 will be considered by the Water Management Board at the Carl Hundt Library Dakota State College, Madison, SD upon the 19th day of November, 1980

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.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Bowers Distillery Inc.
Box 1238, Pierre, SD 57501

BETTY WESTLUND
Water Rights Specialist

WNR-806B-7/79 Notice of Intent to Appropriate Water
SURFACE WATER

No. 4559-3

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 24, 1980; and

October 31, 1980.

John H. Hipple
(Signature)

Business Manager
(Title)

October 31, 1980
(Date Signed)

MY COMMISSION
EXPIRES MAY 27, 1985

Frederic M. Putzer

No. 5961-2 t dly Oct. 24-31

No. 4559-3

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Notice is hereby given Bowers
Distillery Inc. 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 ARSL
52:01:01 thru 52:01:01:13, for a
permit to appropriate for benefi-
cial use 34.3 cubic feet of water
per second of time from the
Missouri River through the Bo-
wers Irrigation Project No. 1, the
point(s) of diversion of which are
to be located between points in
the NE¼ NE¼ Section 35, T108N,
R74W and SE¼ SE¼ Section 31,
T108N R73W. Said water to be
used for the purpose of providing
irrigation on portions of the
following described land: SE¼,
Section 24, NE¼, Section 25 &
NE¼ Sec. 26 all in T108N, R74W
and S¼ & NE¼ Sec. 19; Section
30; N¼, Section 31; SW¼, Section
20; Sections 29 & 32, all in T108N,
R73W.

This Application No. 4559-3 will
be considered by the Water
Management Board at the Carl
Mundt Library, Dakota State
College, Madison, SD upon the
19th day of November, 1980 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 wit-
nesses according to SDCL 1-28
shall 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. Deci-
sions of the Board may be
appealed to the Courts as provid-
ed by law.

Any handicapped person wish-
ing to attend this hearing can
contact the Water Rights Divi-
sion, DWRN, Joe Foss Building,
Pierre SD, prior to the hearing
date for assistance to ensure
access to the hearing.

WATER MANAGEMENT
BOARD

BETTY WESTLUND

Water Rights Specialist

cc: Bowers Distillery Inc.
Box 1238, Pierre, SD 57501

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7621

PIERRE, July 27, 1980

RECEIVED OF James H. Powers, BOWERS DISTILLERY, INC., Box 1238, Pierre, S
the following amount in fees for services rendered as provided for by law: 575

Fee for Application for Permit to appropriate Water No. 4559-3 (examination, processing, recording and filing)	1,150.00
Fee for inspecting Construction, and issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
Fee for issuing Location Certificate-Dry Draw, 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	1,150.00

WATER RIGHTS COMMISSION

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



DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
8014 U S POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102

REPLY TO
ATTENTION OF

PERMITS BRANCH
PO BOX 5, OMAHA, NE 68101

MROOP-N
SD 2SB OXT 3 002922
Bowers Distillery, Inc.
Intake Structure/Fill
Missouri River Mile 1018.00
(Lake Sharpe)

8 September 1980
Expiration Date: 8 October 1980

NOTICE OF PERMIT PENDING

The application of Bowers Distillery, Inc., PO Box 1238, Pierre, South Dakota 57501, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests permission to place temporary and permanent fill material in the Missouri River at mile 1018.00 (Lake Sharpe) in conjunction with the construction of a permanent irrigation facility located in Section 6, Township 107 North, Range 73 West, Hughes County, South Dakota.

The work would consist of trench excavation, installing intake lines and backfilling.

A trench approximately 170 feet long with an average depth of 6 feet and an average width of 6 feet would be excavated and the suction line installed as shown on the attached drawing. The estimated 230 cubic yards of excavated material will be stockpiled along the trench and reused as backfill. Once the backfilling is completed, a concrete slab will be poured at or near elevation 1423.00 mean sea level (m.s.l.). Two 200-horsepower, one 150-horsepower and three 75-horsepower electrical pumping units will be installed on the slab. The total pumping capacity of the permanent facility is rated at 9,500 gallons per minute and the intake velocity at the intake screening device is 0.40-foot per second.

At the time of construction, if the water elevation is such that the contractor cannot excavate the trench down to elevation 1412.00 m.s.l. without working equipment in the water, a temporary causeway will be constructed. The causeway will be constructed 2 to 3 feet above the water surface with a 10 to 12-foot top width and only to the length necessary to complete the work. Upon completion of the work, the causeway will be removed and the material used as backfill and/or site fill.

The purpose of the project is to increase the pumping capacity of the existing portable system. The applicant is authorized, under Department of the Army Permit No. SD 2SB OXT 1 000811(L), a portable intake system rated at 900 gallons per minute.

If a Department of the Army permit is issued for the permanent installation, Permit No. SD 2SB OXT 1 000811(L) will be cancelled.

The State of South Dakota has waived its right to certify compliance with applicable water quality standards required under the provisions of Section 401 of the Clean Water Act. Accordingly, certification that the project will not violate applicable water quality standards has been requested from the Regional Administrator, Environmental Protection Agency, Region VIII, Denver, Colorado.

A preliminary assessment of the proposed action indicates that it is minor in nature and will not result in a significant impact on the quality of the human environment. Accordingly, a preliminary determination has been made that this project does not warrant the preparation of an environmental impact statement at this time.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, as amended, the National Register of Historic Places and current supplements have been consulted. There are no sites included or which have been determined eligible for inclusion therein which will be affected by the proposed project. There are four known archeological sites in the vicinity of the intake system. The field archeologist has conducted a survey of the area and assisted Bowers Distillery, Inc. in rerouting the intake system so that there would be no adverse effect to the known cultural resources. There is a possibility that buried cultural resources may be located with the installation of the intake pipeline.

In compliance with the Endangered Species Act, our review indicates that the proposed activity will not affect species designated as threatened or endangered pursuant to the Endangered Species Act or their critical habitat.

Executive Order 11988, Floodplain Management, seeks decision that will reduce loss of lives and property caused by flooding and loss of natural floodplain functions caused by unwise floodplain development. By this public notice, we are requesting comments from those individuals or agencies which feel that this project will have an adverse impact upon flooding and the floodplain.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The

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benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, energy needs, safety, food production, navigation, recreation, water supply, water quality, and in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (49 C.F.R., Part 230).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the District Engineer, Omaha District, Corps of Engineers, PO Box 5, Omaha, Nebraska 68101.

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office written facts, arguments, or objections on or before 8 October 1980. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application.

A permit, if granted, will be under Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151; 33 USC 403) and under the provisions of Section 404 of the Clean Water Act.

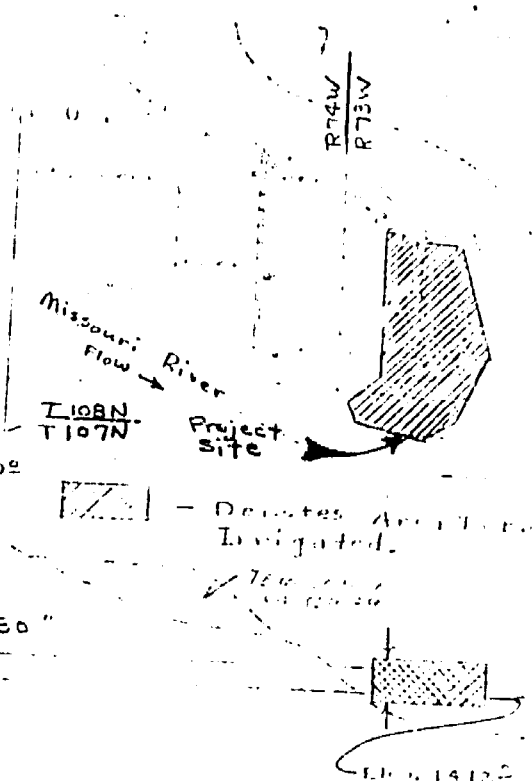
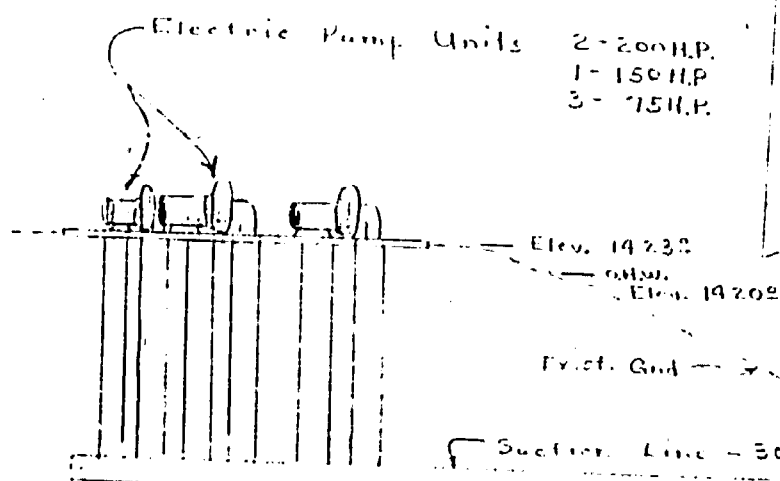
A drawing showing the location and extent of the work is attached to this notice.

FOR THE DISTRICT ENGINEER:

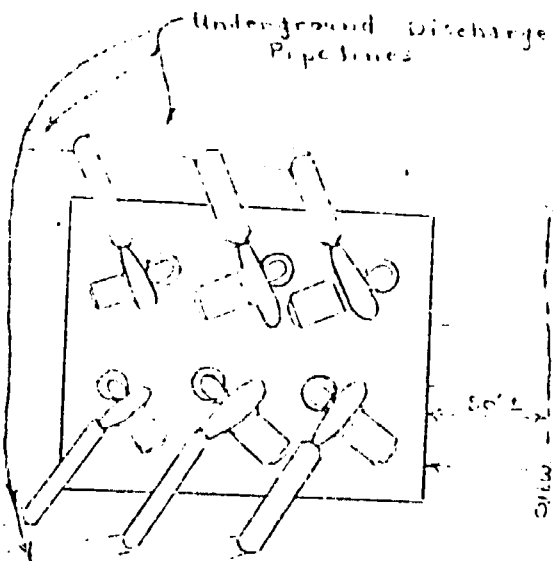
Attachment
As stated



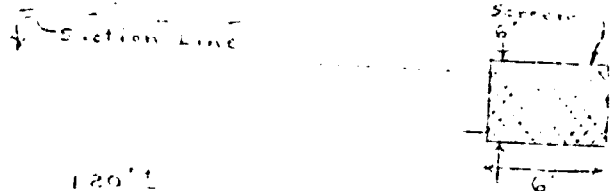
RALPH J. MILLER
Chief, Regulatory Functions Branch
Operations Division



ELEVATION
No Scale



NOTE:
ALL ELEVATIONS REFER TO MSL DATUM.
TOTAL SCREENED AREA LESS AREA DISPLACED BY SCREEN = 52.2 ft.
INITIAL FLOW RATE = 21.1 cfs.
INTAKE VELOCITY = 0.40 f.p.s.
SCREEN OPENINGS ARE 1/4" IN 5/16" STAGGERED SPACING.



In LAKE SHAPE
At MISSOURI RIVER
County of HUGHES
State SOUTH DAKOTA
Application by SOMER'S DISTILLERY, INC.
Sheet 1 of 1
Date 7/11/20

PLAN
No Scale



DEPARTMENT OF THE ARMY
OMAHA DISTRICT CORPS OF ENGINEERS
6014 U S POST OFFICE AND COURTHOUSE
OMAHA NEBRASKA 68102

REPLY TO
ATTENTION OF

PERMITS BRANCH

PO BOX 5, OMAHA, NE 68101

MROOP-N

SD 2SB OXT 3 002921

Bowers Distillery, Inc.

Intake Structure/Fill

Missouri River Mile 1020.20

(Lake Sharpe)

Expiration Date: 8 September 1980
8 October 1980

NOTICE OF PERMIT PENDING

The application of Bowers Distillery, Inc., PO Box 1238, Pierre, South Dakota 57501, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests permission to place temporary and permanent fill material in the Missouri River at mile 1020.20 (Lake Sharpe) in conjunction with the construction of a permanent irrigation facility located in Section 36, Range 74 West, Township 108 North, Hughes County, South Dakota.

The work would consist of trench excavation, installing intake lines and backfilling.

A trench approximately 150 feet long with an average depth of 6 feet and average width of 6 feet would be excavated and the suction line and risers installed as shown on the attached drawing. The estimated 200 cubic yards of excavated material will be stockpiled along the trench and reused as backfill. Once the backfilling is completed, a concrete slab will be poured at or near elevation 1423.0 mean sea level (m.s.l.). Two 200-horsepower, one 100-horsepower, and one 75-horsepower electrical pumping units will be installed on the slab. The total pumping capacity of the facility is rated at 7,500 gallons per minute and the intake velocity at the intake screening device is 0.40-foot per second.

At the time of construction, if the water elevation is such that the contractor cannot excavate the trench down to elevation 1412.0 m.s.l. without working equipment in the water, a temporary causeway will be constructed. The causeway will be constructed 2 to 3 feet above the water surface with a 10 to 12-foot top width and only to the length necessary to complete the work. Upon completion of the work, the causeway will be removed and the material used as backfill and/or site fill.

The purpose of the project is to increase the pumping capacity of the existing portable system.

The applicant is authorized, under Department of the Army Permit No. SD 2SB OXT 1 000812(L), two portable intake systems with a total pumping capacity of 2,800 gallons per minute.

If a Department of the Army permit is issued for the permanent installation, Permit No. SD 2SB OXT 1 000812(L) will be cancelled.

The State of South Dakota has waived its right to certify compliance with applicable water quality standards required under the provisions of Section 401 of the Clean Water Act. Accordingly, certification that the project will not violate applicable water quality standards has been requested from the Regional Administrator, Environmental Protection Agency, Region VIII, Denver, Colorado.

A preliminary assessment of the proposed action indicates that it is minor in nature and will not result in a significant impact on the quality of the human environment. Accordingly, a preliminary determination has been made that this project does not warrant the preparation of an environmental impact statement at this time.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, as amended, the National Register of Historic Places and current supplements thereto have been consulted. There are no sites included or which have been determined eligible for inclusion therein which will be affected by the proposed project. There are four known archeological sites in the vicinity of the intake system. The field archeologist has conducted a survey of the area and assisted Bowers Distillery, Inc. in rerouting the intake system so that there would be no adverse effect to the known cultural resources. There is a possibility that buried cultural resources may be located with the installation of the intake pipeline.

In compliance with the Endangered Species Act, our review indicates that the proposed activity will not affect species designated as threatened or endangered pursuant to the Endangered Species Act or their critical habitat.

Executive Order 11988, Floodplain Management, seeks decision that will reduce loss of lives and property caused by flooding and loss of natural floodplain functions caused by unwise floodplain development. By this public notice, we are requesting comments from those individuals or agencies which feel that this project will have an adverse impact upon flooding and the floodplain.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The

benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, energy needs, safety, food production, navigation, recreation, water supply, water quality, and in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R., Part 230).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the District Engineer, Omaha District, Corps of Engineers, PO Box 5, Omaha, Nebraska 68101.

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office written facts, arguments, or objections on or before 8 October 1980. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application.

A permit, if granted, will be under Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151, 33 USC 403) and under the provisions of Section 404 of the Clean Water Act.

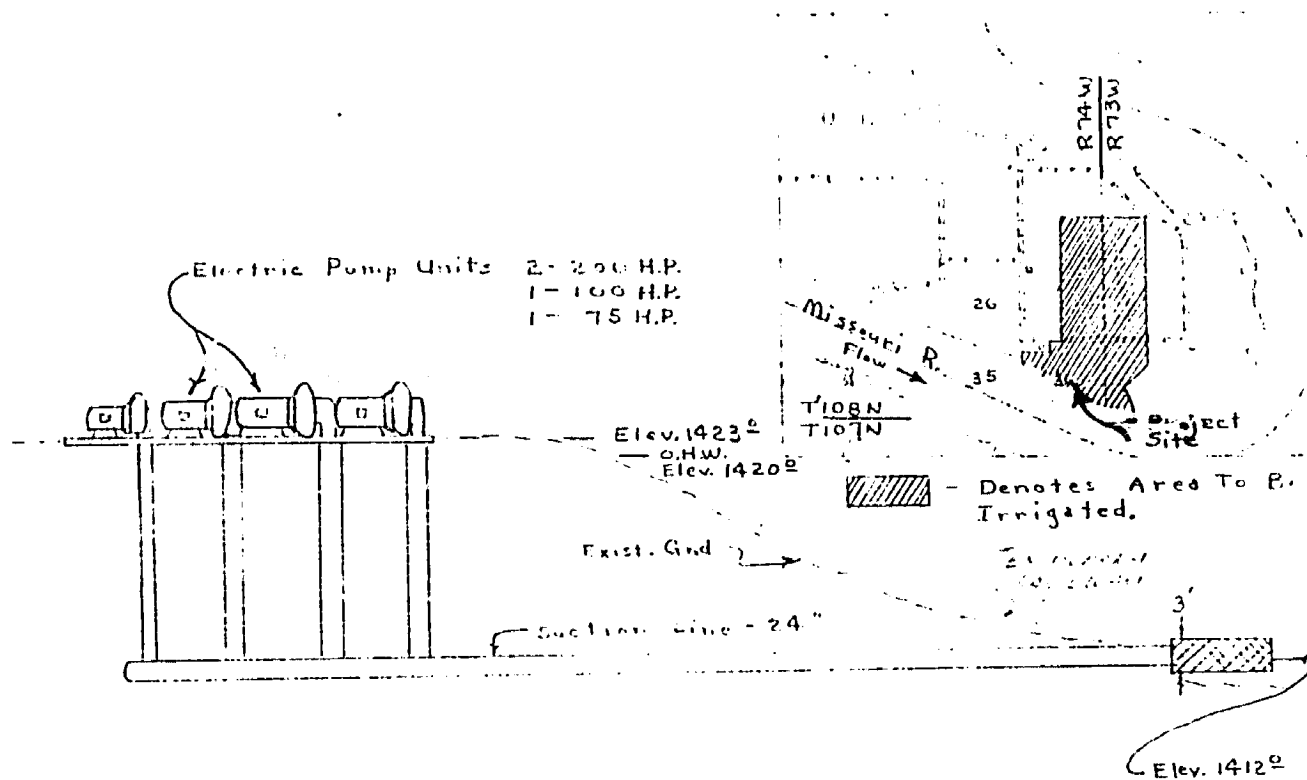
A drawing showing the location and extent of the work is attached to this notice.

FOR THE DISTRICT ENGINEER:



RALPH J. MILLER
Chief, Regulatory Functions Branch
Operations Division

Attachment
As stated

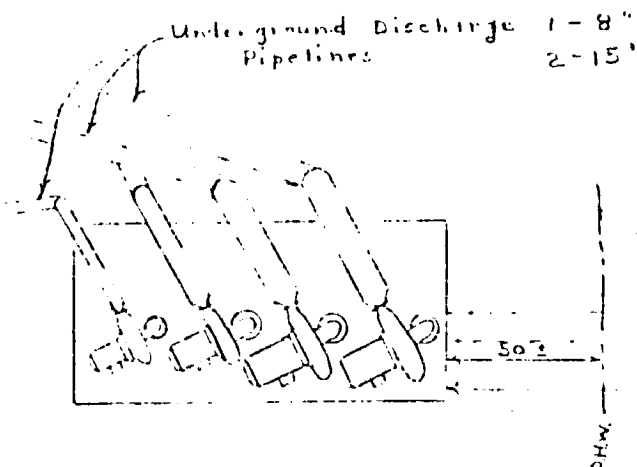


ELEVATION
No Scale

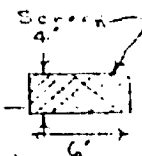
NOTE:

ALL ELEVATIONS REFER TO M.S.L. DATUM.
TOTAL SCREENED AREA LESS AREA DISPLACED BY SCREEN = 41.8 ft.²
WITHDRAWAL RATE = 16.7 cfs.
INTAKE VELOCITY = 0.40 fps.
SCREEN OPENINGS ARE 3/4" ON 5/16" STAGGERED SPACING.

7500 GPM



PLAN
No Scale



In LAKE SHARPE
At MISSOURI RIVER
County of HUGHES
State SOUTH DAKOTA
Application by LOWERS
DISTILLERY, INC.
Sheet 1 of 1
Date 7/11/80



DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
6014 U.S. POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102

REPLY TO
ATTENTION OF
PERMITS BRANCH
PO BOX 5, OMAHA, NE 68101

MROOP-N
SD 2SB OXT 3 002920
Bowers Distillery, Inc.
Intake Structure/Fill
Missouri River Mile 1020.30
(Lake Sharpe)

8 September 1980
Expiration Date: 8 October 1980

NOTICE OF PERMIT PENDING

The application of Bowers Distillery, Inc., PO Box 1238, Pierre, South Dakota 57501, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests permission to place temporary and permanent fill material in the Missouri River at mile 1020.30 (Lake Sharpe) in conjunction with the construction of a permanent irrigation facility located in Section 35, Township 108 North, Range 74 West, Hughes County, South Dakota.

The work would consist of trench excavation, installing intake lines and backfilling.

A trench approximately 150 feet long with an average depth of 6 feet and an average width of 6 feet will be excavated and the suction line installed as shown on the attached drawing. The estimated 200 cubic yards of excavated material will be stockpiled along the trench and reused as backfill. Once the backfilling is completed, a concrete slab will be poured at or near elevation 1423.0 mean sea level (m.s.l.). Two 75-horsepower and two 150-horsepower electrical pumping units will be installed on the slab. The total pumping capacity of the permanent facility is rated at 4,800 gallons per minute and the intake velocity at the the intake screening device is 0.35 foot per second.

At the time of construction, if the water elevation is such that the contractor cannot excavate the trench down to elevation 1412.0 m.s.l. without working equipment in the water, a temporary causeway will be constructed. The causeway will be constructed 2 to 3 feet above the water surface with a 10 to 12-foot top width, and only to the length necessary to complete the work. Upon completion of the work the causeway will be removed and the material used as backfill and/or site fill.

The purpose of the project is to increase the pumping capacity of the existing portable system. The applicant is authorized, under Department of the Army Permit No. SD 2SB OXT 1 000812(L), two portable intake systems rated at 2,800 gallons per minute.

If a Department of the Army permit is issued for the permanent installation, Permit No. SD 2SB OXT 1 000812(L) will be cancelled.

A preliminary assessment of the proposed action indicates that it is minor in nature and will not result in a significant impact on the quality of the human environment. Accordingly, a preliminary determination has been made that this project does not warrant the preparation of an environmental impact statement at this time.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, as amended, the National Register of Historic Places and current supplements have been consulted. There are no sites included or which have been determined eligible for inclusion therein which will be affected by the proposed project. There are four known archeological sites in the vicinity of the intake system. The field archeologist has conducted a survey of the area and assisted Bowers Distillery, Inc. in rerouting the intake system so that there would be no adverse effect to the known cultural resources. There is a possibility that buried cultural resources may be located with the installation of the intake pipeline.

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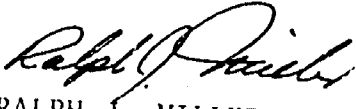
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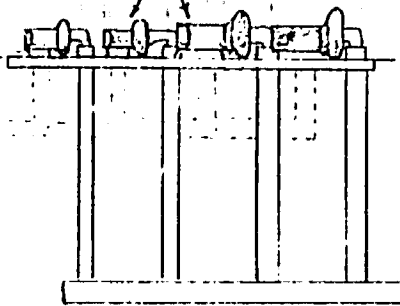
A drawing showing the location and extent of the work is attached to this notice.

FOR THE DISTRICT ENGINEER:

Attachment
As stated

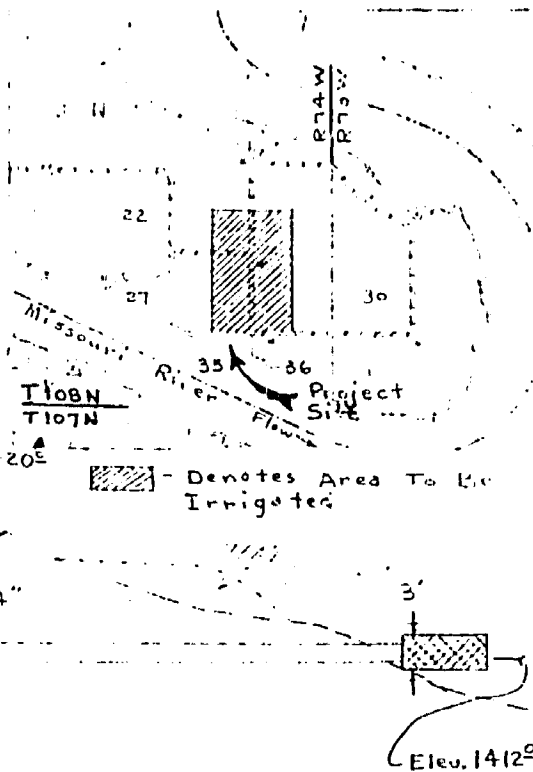

RALPH J. MILLER
Chief, Regulatory Functions Branch
Operations Division

Electric Pump Units 2-75 H.P.
2-150 H.P.



L. Elev. 1423[±]
O.H.W. Elev. 1420[±]

Exist. Grd.
Suction Line - 24"



Denotes Area To Be Irrigated

Elev. 1412[±]

ELEVATION
No Scale

NOTE:

ALL ELEVATIONS REFER TO M.S.L. DATUM.

TOTAL SCREENED AREA LESS AREA DISPLACED BY SCREENS 30.2 ft²

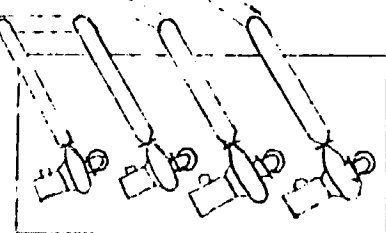
WITHDRAWAL RATE = 10.7 cfs.

INTAKE VELOCITY = 0.35 fps.

SCREEN OPENINGS ARE 1/4" ON 5/16" STAGGERED SPACING.

Underground Discharge Pipe lines

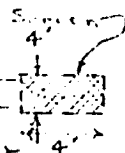
1-8"
1-10"
1-15"



Suction Line

50'±

100'±



PLAN
No Scale

IN LAKE SHARPE
AT MISSOURI RIVER
County of HUGHES
State SOUTH DAKOTA
Application by SONERS
Sheet 1 of 1 DISTILLARY, INC.
Date 7/11/80



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

December 23, 1980

Bowers Distillery, Inc.
P.O. Box 1238
Pierre, SD 57501

Dear Sirs:

Enclosed herewith is your Water Right Permit No. 4559-3 as approved by the Water Management Board authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 4559-3.

Also enclosed is FORM 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Management Board when you have completed the system and/or have put the water to beneficial use. The Board can then schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:bt

enclosure

NOTE: Permit No. 2002-3 has been cancelled. Portions of land and some adjoining acres from Permit No. 2002-3 have been included on Permit No. 4559-3.

WNR-809-7/79

Forwarding Permit to Appropriate Water



Department of Water & Natural Resources

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

#688-3

#2303-3

#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 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;

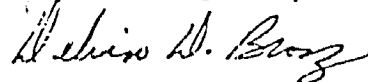


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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,



for JOHN HATCH, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

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

4559-3

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.



L

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:

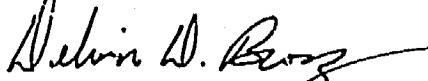
all pivots except #21 & #18: Electrogator
pivot # 21: Zimmatic
pivot # 18: Olson.

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 Bowar, 773-3352.

Very truly yours,



DELVIN D. BROSZ, P.E.
Hydrologist III

for

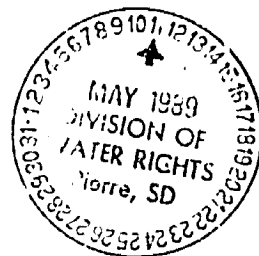
JOHN HATCH, Chief Engineer
Water Rights Division



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

4559-3

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.

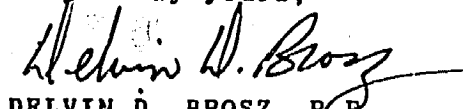
Pursuant to ARSD 74:02:09:16, the Chief Engineer may grant a variance from the requirements found in the chemigation rules if the alternate equipment or arrangement will provide equivalent protection to ground and surface water.

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; 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 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 DEVAL, 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.



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

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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.

CERTIFICATION

I hereby certify that on February 24, 1992 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Failure to Report Chemical Use under Water Permit Nos. 688-3, 2376-3, and 4559-3 addressed as stated below:

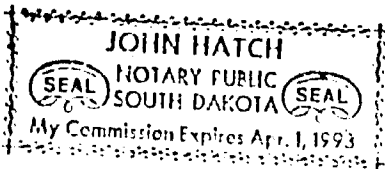
Kent Bowers, 207 Lakeside Lane, Pierre, SD 57501.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 26th day of February, 1992.



John Hatch
Notary Public



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; 2303-2; 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, appearing to read "Don Frye".

DON FRYE, Natural Resources Analyst
Water Rights Division

South Dakota Department of Water & Natural Resources

Jon 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 <u>3856.77</u>	34.3 <u>54.6</u>	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

Power's University, Pierre, SD All pivots have an end sprinkler from Those with a booster listed use a booster pump.

IRRIGATION EQUIPMENT DATA

IRRIGATION ACREAGE DATA

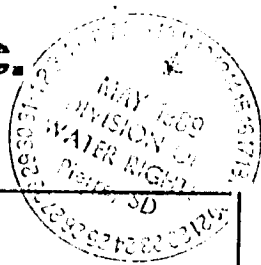
LEGAL DESCRIPTION	PIVOT NUMBER	MAKE	MODEL	LENGTH (Feet)	# Towers	G.P.M.	MAX W/O					IRRIGATION ACREAGE DATA				
							WITHOUT BOOSTER	OVERLAP	BOOSTER	DEEDED ACRES	PRIVATE LEASE	TRIBAL LEASE	CORP LEASE	TOTAL ACRES		
N ¹ / ₂ -29-108-73	1	Relinke	670	1114	6	600	99.4	1.6	2.0	82.8			17.0	99.8		
S ¹ / ₂ -29-108-73	2	Relinke	6580	1624	10	1227	204.5	3.2	3.7	197.5			7.5	205.0		
N ¹ / ₂ -32-108-73	3	Relinke	6580	1468	9	1000	168.4	2.4		51.6			39.0	166.0		
N ¹ / ₂ -32-108-73	4	Relinke	670	1289	7	787	131.2	3.2	3.2	131.2				131.2		
Center-32-108-73	5	Relinke	670	1114	6	600	99.4	1.4	2.5	41.2	20.0	28.2	11.1	100.5		
S ¹ / ₂ -32-108-73	6	Relinke	6580	1624	10	1227	204.5	3.2	3.2	191.3			13.2	204.5		
N ¹ / ₂ -31-108-73	7	Relinke	670	1289	7	787	131.2	3.2	2.6	35.8		94.8		130.6		
S ¹ / ₂ -31-108-73	8	Relinke	6580	1392	9	900	152.0	3.2		121.7		13.6	13.5	148.8		
N ¹ / ₂ -31-108-73	9	Relinke	670	1289	7	787	131.2	3.2	2.5			130.5		130.5		
S ¹ / ₂ -31-108-73	10	Relinke	Mnd	954	6	460	74.1	2.1		46.8		12.6		72.0		
N ¹ / ₂ -36-108-74	11	Relinke	6580	1468	9	1000	168.4	3.2	3.3	161.3			12.6	168.5		
N ¹ / ₂ -36-108-74	12	Relinke	Mnd	759	5	332	48.4	1.4	2.3	41.9			7.4	49.3		
S ¹ / ₂ -30-108-73	13	Relinke	680	1312	8	814	135.7	2.8	4.0			136.9		136.9		
S ¹ / ₂ -30-108-73	14	Relinke	680	1312	8	814	135.7	2.8	4.0	136.9				136.9		
S ¹ / ₂ -25-108-74	15	Relinke	660	1312	8	814	135.7	2.8	4.0	136.9				136.9		
S ¹ / ₂ -25-108-74	16	Relinke	660	1263	7	757	126.2	4.0	4.0	126.2				126.2		
S ¹ / ₂ -25-108-74	17	Relinke	670	1285	7	760	130.3	2.8	4.0	131.5				131.5		
N ¹ / ₂ -30-108-73	18	Relinke	680	1312	8	814	135.7	2.8	4.0	102.7		34.2		136.9		
N ¹ / ₂ -30-108-73	19	Relinke	680	1284	8	787	131.2	2.8	4.0	132.4				132.4		
N ¹ / ₂ -25-108-74	20	Relinke	680	1284	8	787	131.2	2.8	4.0					132.4		
N ¹ / ₂ -25-108-74	21	Zimatic	Zim.	1284	7	780	130.3	4.0		126.3				126.3		
N ¹ / ₂ -26-108-74	22	Relinke	670	1284	7	780	130.3	2.8	4.0					131.5		
S ¹ / ₂ -19-108-73	23	Olson	Olson	1251	9	740	123.9	2.8		60.6				121.1		
S ¹ / ₂ -19-108-73	24	Relinke	680	1312	8	814	135.7	2.8	4.0	68.5	68.4			136.9		
S ¹ / ₂ -25-108-74	25	Relinke	660	1312	8	814	135.7	2.8	4.0					136.9		
TOTALS							3330.30	70.1	69.3	2125.1	88.4	987.5	128.5	3329.5		





MORRIS IRRIGATION, INC.

Box 1162 • Pierre, South Dakota 57501 • Phone 223 2585



PIPELINE AND FITTINGS

Realty Improvement:

5,660'	-	6"	80 PSI PVC	@	\$.98	5,546
18,200'	-	8"	80 PSI PVC	@	1.74	31,668
7,850'	-	10"	80 PSI PVC	@	2.72	21,352
16,740'	-	12"	80 PSI PVC	@	3.92	65,620
21,500'	-	15"	80 PSI PVC	@	6.10	131,150
816'	-	20"	10 ga. Coated Steel	@	16.50	13,464
768'	-	24"	10 ga. Coated Steel	@	20.00	15,360
50	-	Fittings	@	150.00		<u>7,500</u>
						\$291,660

Labor:

70,750'	-	PVC Installation	@	1.10/ft	77,825
1,584'	-	Steel Installation	@	4.00/ft	6,336
50	-	Fittings	@	150.00/ea	<u>7,500</u>
					\$91,661

The size & length of all mainline is listed at the top. The three pump sites start out feeding into 24" steel pipe and then narrow, as you move up the list, to 6" PVC at the farthest points from the river.

=====

IRRIGATION PUMP & MOTOR LISTING: BOWERS DISTILLERY, INC.

=====

PUMP SITE # 1:

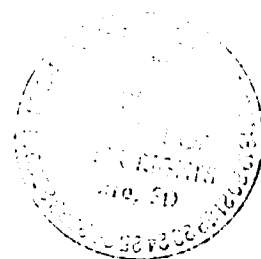
HP	PUMP MODEL	PUMP SER. #	PUMP SIZE	PUMP GPM	MOTOR MODEL	MOTOR SERIAL #
75	4YB75-2	31580	8 3/4	800	KC364TTDS7315BDW	
75	4YB75-2	31249	8 3/4	800	KC364TTDS7315BDW	93653-3/24-2
150	6HH150-4	31551	16 3/8	1500	5K444YK295	CP1020C9

PUMP SITE # 2:

HP	PUMP MODEL	PUMP SER. #	PUMP SIZE	PUMP GPM	MOTOR MODEL	MOTOR SERIAL #
75	5YB75-2	31256	8	900	KC364TTDS7321ABW	93785443724-1
100	5YB100-2	31247	8 13/16	1300	5K365JL1.70	DS184006
200	6HH200-4	31590	16 7/16	2800	JC445TTDS7365AAWF1	92975-3/9-2
200	6HH200-4	31589	16 7/16	2500	JC445TTDS7365AAWF1	92975-3/9-1

PUMP SITE # 3:

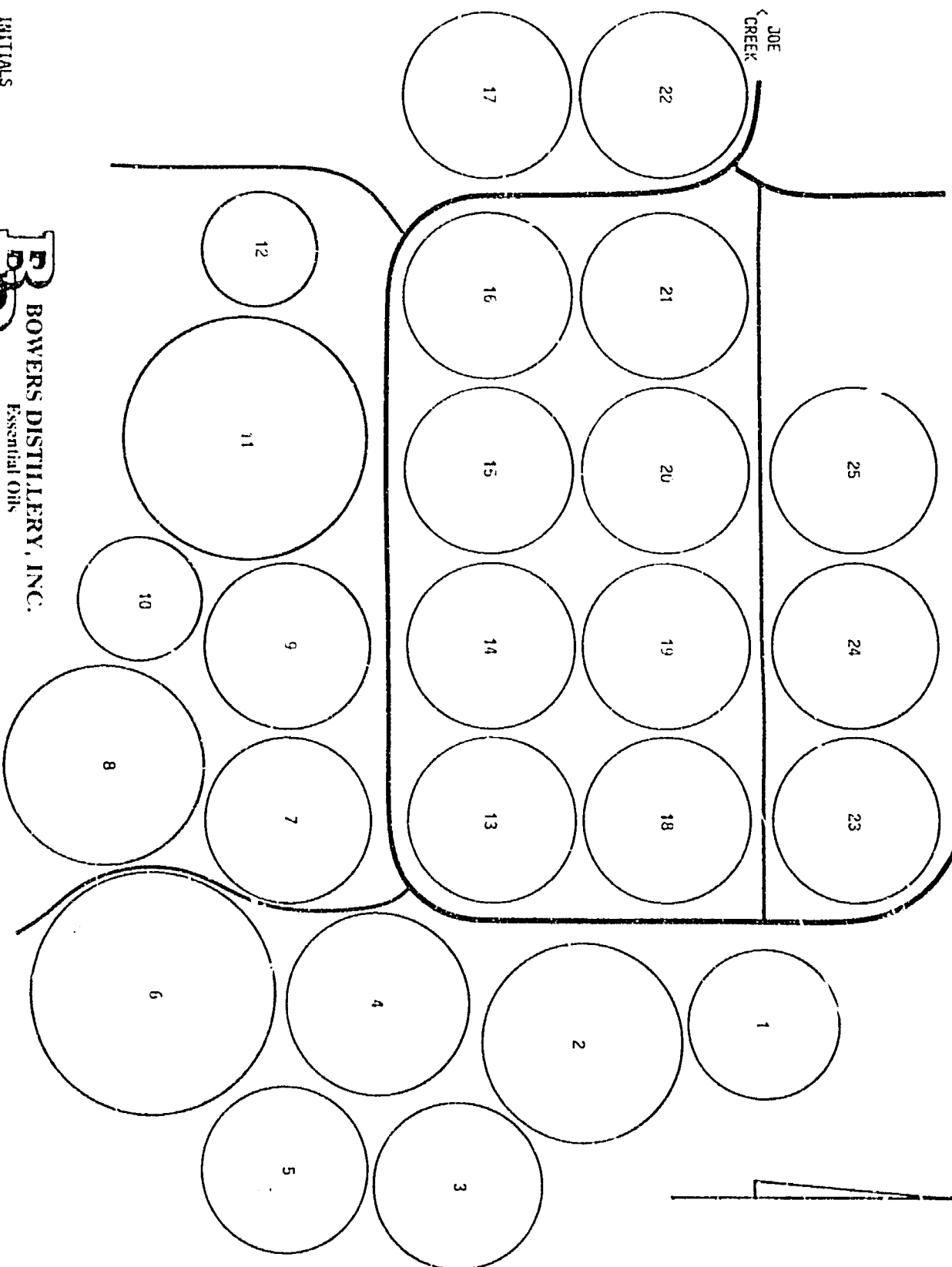
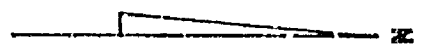
HP	PUMP MODEL	PUMP SER. #	PUMP SIZE	PUMP GPM	MOTOR MODEL	MOTOR SERIAL #
75	5YB75-2	31253	8 3/16	1000	KC364TTDS7321ABW	
75	5YB75-2	31252	8 3/16	1000	KC364TTDS7321ABW	93785-3/24-4
75	5YB75-2	31583	8 3/16	900	KF364TTDS7315BDW	92076-6/2-2
150	6HH150-4	31552	16 3/8	2100	5K444YK295	BP072021
200	6HH200-4	31592	16 7/16	2400	KH445TTDS7365AAW	92072-7/21-1
200	6HH200-4	31591	16 7/16	2400	KH445TTDS7365AAW	92072-7/21-3



WEST
BEND

WEST
BEND

JOE
CREEK



INITIALS _____
DATE _____
JOB TIME _____

B BOWERS DISTILLERY, INC.
Essential Oils
611 North VanBuren
Pierre, South Dakota 57501
Phone (605) 224-7987

 **Department of
Water & Natural Resources**

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

August 18, 1989

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

Dear Mr. Bowers:

This letter is in response to our telephone conversation today.

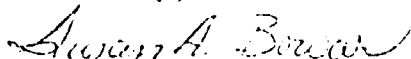
I am enclosing a copy of the map that has been prepared of the acreages irrigated in your operation, along with a copy of the listing of acreages that you submitted.

Please outline on the map where you feel the discrepancies exist and return the map to me.

Thank you in advance for the information (makes, model #'s, capacities, and horse power ratings) on the booster pumps and motors and on the operating pressure of the pivots.

Feel free to contact me.

Sincerely,



Susan A. Bower
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures



4559-3



Department of Water & Natural Resources

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

Kent Bowers
611 No. Van Buren
Pierre, SD 57501

Dear Mr. Bowers:

I am enclosing a partially completed application form for a Soil/Water Compatibility Permit. Apparently, 79.44 acres covered by your existing Water Rights/Permits are not covered by your existing Soil/Water Compatibility Permits.

Please review the enclosed application, sign, notarize, and return it to:

Jim Stukel
Division of Conservation
Anderson Building
445 E. Capitol
Pierre, SD 57501

There is no fee for this application. If you have any questions, please contact Jim Stukel, 773-3259 or myself, 773-3352. Your Water License will be issued after approval for this acreage is received.

Sincerely,

A handwritten signature in cursive script that reads "Susan A. Bowar".

Susan A. Bowar
Natural Resources Engineer
Water Rights Division

enclosure



4559-3

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

WR#

OWNERS NAME: _____ OWNERS ADDRESS: _____

COUNTY LAND LOCATED IN: _____ PHONE: _____

LEGAL DESCRIPTION: _____ ☐ Well ☐ Surface
1. LOCATION _____
Depth _____

Legal Description	Acres	Legal Description	Acres
Sec. 19-T100N-R7E	15.04		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT ☒ GUN: _____ OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY	
4. WATER SAMPLE NUMBER: <u>Missouri River</u>	7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10 ⁶): _____	8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____	

Requirements:



[Signature]
Director, Division of Conservation

9/22/89
Date

☒ APPROVED ☐ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

4531-3
2316-3
 Permit No. 2303-3
2303-3

Water District

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

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

I have this day made a thorough examination of the water use system constructed by Powers
Distillery, Inc. of 611 No. Union Street, Pierre, SD 57501 holder of
 Permit Nos. 1) 4534-3 3) 2303-3 bearing the priority of 1) 10/13/80 3) 6/20/75
2) 2316-3 4) 688-3, bearing the priority of 2) 10/10/75 4) 2/4/60 19____ authorizing
 the diversion of 1) 54.3 3) 5.75 cu. ft. per second of the waters of the Missouri River
2) 8.0 4) 4.55 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: see attached pages 1A - 4A

B. Works used to transport water to place of use: see attached page 1B

C. Works used to apply water to beneficial use: see attached page 1C

The system is in the following condition good

The point of diversion is located see attached pages 1A, 2A

The works are capable of diverting and conveying to the place of use 45.79

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: see attached land

description pages 1-3

comprising a total of 3311 acres of land and the license should be issued for 45.79 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date March 28, 1989

Arthur A. Brown
 (signature)

2459-3
2376-3
2303-3
2388-3

LICENSE FOR PERMIT NUMBERS _____

1. Legal location of wells: see attached pages 1A, 2A

dams & structures: _____

2. Well Information: Well Drilling Firm NA

Completion Report Yes ___ No ___ No. of Wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model No. _____

c) size _____ c) horsepower rating _____

d) capacity _____ gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals see attached page 1B

a) size _____

b) type _____

c) length _____

4. Dam Information: NA

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) lowline:

- 1) length _____ feet
- 2) make, model & number of sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot *see attached page 1c*

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project all listed

Yes	No	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
☒	☐	2. Special qualifications to permit being abided by?
☒	☐	3. All structures, wells and lands on map?
☒	☐	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
☒	☐	5. Is chemigation used?
☒	☐	6. If yes, does equipment comply with chemigation rules?

REMARKS:

variance granted under chemigation rules

A. WORKS USED TO DIVERT WATER

3 PUMP STATIONS:

Pump Station No. 1 Location: approximately 1530 feet south and 115 feet west of the NW corner of Section 36-T108N-R74W

Legal Description: SE1/4 NE1/4 Section 35-T108N-R74W

Pump #	Make	Model No.	Size	Capacity
1	Cornell	4YB75-2	8 3/4	800 gpm
2	Cornell	4YB75-2	8 3/4	800 gpm
3	Cornell	5HH150-4	16 3/8	1500 gpm
4	Cornell	2W10-2	2 1/2	150 gpm

Motor #	Make	Model No.	Capacity
1	General Electric	KC364TTD57315BDW	75 hp
2	General Electric	KC364TTD57315BDW	75 hp
3	General Electric	5K444YKZ95	150 hp
4	General Electric	UVH215TCDR7010BPL	10 hp

Pump Station No. 2 Location: approximately 1190 feet east and 840 feet south of the center of Section 36-T108N-R74W.

Legal Description: NW1/4 SE1/4 (Lot 4) Section 36-T108N-R74W

Pump #	Make	Model No.	Size	Capacity
1	Cornell	5YB75-2	8	900 gpm
2	Cornell	5YB100-2	8 13/16	1300 gpm
3	Cornell	6HH200-4	16 7/16	2800 gpm
4	Cornell	6HH200-4	16 7/16	2500 gpm

Motor #	Make	Model No.	Capacity
1	General Electric	KC364TTD57321ABW	75 hp
2	General Electric	5K365JL170	100 hp
3	General Electric	JC445TTDS736AAWF1	200 hp
4	General Electric	JC445TTDS736AAWF1	200 hp

Pump Station No. 3 Location: approximately 1750 feet east and 3000 feet south of the center of Section 31-T108N-R73W.

Legal Description: NE1/4 NE1/4 Section 6-T107N-R73W

Pump #	Make	Model No.	Size	Capacity
1	Cornell	5YB75-2	8 13/16	1000 gpm
2	Cornell	5YB75-2	8 13/16	1000 gpm
3	Cornell	5YB75-2	8 13/16	900 gpm
4	Cornell	5HH150-4	15 3/8	2100 gpm
5	Cornell	6HH200-4	16 7/16	2400 gpm
6	Cornell	6HH200-4	16 7/16	2400 gpm

Motor #	Make	Model No.	Capacity
1	General Electric	KC364TTD57321ABW	75 hp
2	General Electric	KC364TTD57321ABW	75 hp
3	General Electric	KF364TTDS7315BDW	75 hp
4	General Electric	SK444YK295	150 hp
5	General Electric	KH445TTD7365AAW	200 hp
6	General Electric	KH445TTD7365AAW	200 hp

PIVOT BOOSTER STATIONS

Pivot No.	Pump	Motor
1	Make Berkley Model No. C2MPS Capacity 93.8 gpm	Make General Electric Model No. 5K492G Capacity 2 hp
2	Make Berkley Model No. C2MPS Capacity 165.3 gpm	Make General Electric Model No. 5K492G Capacity 2 hp
3	no booster pump	
4	Make Berkley Model No. C2MPS Capacity 127.1 gpm	Make General Electric Model No. 5K492G Capacity 2 hp
5	Make Berkley Model No. C2MPS Capacity 93.8 gpm	Make General Electric Model No. 5K492G Capacity 2 hp
6	Make Berkley Model No. C2MPS Capacity 168.7 gpm	Make General Electric Model No. 5K492G Capacity 2 hp

7	Make Model No. Capacity	Berkley C2MPS 127.1 gpm	Make Model No. Capacity	General Electric 5K492G 2 hp
8	no booster pump			
9	Make Model No. Capacity	Berkley C2MPS 123.2 gpm	Make Model No. Capacity	General Electric 5K492G 2 hp
10	no booster pump			
11	Make Model No. Capacity	Berkley C2MPS 138.4 gpm	Make Model No. Capacity	General Electric 5K492G 2 hp
12	Make Model No. Capacity	Berkley C2MPS 75.8 gpm	Make Model No. Capacity	General Electric 5K492G 2 hp
13	Make Model No. Capacity	Berkley C2MPS 118.9 gpm	Make Model No. Capacity	General Electric 5K492G 2 hp
14	Make Model No. Capacity	Berkley C2MPS 118.9 gpm	Make Model No. Capacity	General Electric 5K492G 2 hp
15	Make Model No. Capacity	Berkley C2MPS 118.9 gpm	Make Model No. Capacity	General Electric 5K492G 2 hp
16	Make Model No. Capacity	Berkley C2MPS 119.1 gpm	Make Model No. Capacity	General Electric 5K492G 2 hp
17	Make Model No. Capacity	Berkley C2MPS 119.1 gpm	Make Model No. Capacity	General Electric 5K492G 2 hp
18	Make Model No. Capacity	Berkley C2MPS 118.9 gpm	Make Model No. Capacity	General Electric 5K492G 2 hp
19	Make Model No. Capacity	Berkley C2MPS 118.9 gpm	Make Model No. Capacity	General Electric 5K492G 2 hp
20	Make Model No. Capacity	Berkley C2MPS 118.9 gpm	Make Model No. Capacity	General Electric 5K492G 2 hp
21	no booster pump			
22	Make Model No. Capacity	Berkley C2MPS 119.1 gpm	Make Model No. Capacity	General Electric 5K492G 2 hp

23 no booster pump

24	Make	Berkley	Make	General Electric
	Model No.	C2MPS	Model No.	5K492G
	Capacity	118.9 gpm	Capacity	2 hp

25	Make	Berkley	Make	General Electric
	Model No.	C2MPS	Model No.	5K492G
	Capacity	118.9 gpm	Capacity	2 hp

LAND DESCRIPTION

pg 1.

LEGAL DESCRIPTION

NO. OF ACRES

AUTHORIZED BY
PERMIT NO.

T108N-R74W:

Section 24: NW1/4 SE1/4-----	34	4559-3
NE1/4 SE1/4-----	34	"
SW1/4 SE1/4-----	34	"
SE1/4 SE1/4-----	34	"
Section 25: NW1/4 NW1/4-----	34	2376-3
NE1/4 NW1/4-----	34	"
SW1/4 NW1/4-----	32	"
SE1/4 NW1/4-----	32	"
NW1/4 NE1/4-----	34	4559-3
NE1/4 NE1/4-----	33	"
SW1/4 NE1/4-----	33	"
SE1/4 NE1/4-----	33	"
NW1/4 SW1/4-----	35	2376-3
NE1/4 SW1/4-----	35	"
SW1/4 SW1/4-----	25	"
SE1/4 SW1/4-----	25	"
NW1/4 SE1/4-----	34	"
NE1/4 SE1/4-----	34	"
SW1/4 SE1/4-----	34	"
SE1/4 SE1/4-----	34	"
Section 26: NW1/4 NE1/4-----	33	4559-3
NE1/4 NE1/4-----	33	"
SW1/4 NE1/4-----	33	"
SE1/4 NE1/4-----	33	"
NW1/4 SE1/4-----	34	2303-3
NE1/4 SE1/4-----	32	"
SW1/4 SE1/4-----	34	"
SE1/4 SE1/4-----	32	"
Section 36: NW1/4 NW1/4-----	15	"
NE1/4 NW1/4-----	30	"
SW1/4 NW1/4-----	2 (Lot 1)	"
SE1/4 NW1/4-----	17 (Lot 2)	"
NW1/4 NE1/4-----	37	"
NE1/4 NE1/4-----	34	"
SW1/4 NE1/4-----	39	"
SE1/4 NE1/4-----	38	"
NW1/4 SE1/4-----	3 (Lot 4)	
NE1/4 SE1/4-----	27 (Lot 5)	688-3

LAND DESCRIPTION

pg 2

LEGAL DESCRIPTION

NO. OF ACRES

AUTHORIZED BY
PERMIT NO.

T108N-R73W:

Section 19: NW1/4 SW1/4-----	34 (Lot 3)	4559-2
NE1/4 SW1/4-----	34	"
SW1/4 SW1/4-----	34 (Lot 4)	"
SE1/4 SW1/4-----	34	"
NW1/4 SE1/4-----	29	"
NE1/4 SE1/4-----	29	"
SW1/4 SE1/4-----	29	"
SE1/4 SE1/4-----	29	"
Section 20: SW1/4 SW1/4-----	16	"
SE1/4 SW1/4-----	10	"
Section 29: NW1/4 NW1/4-----	38	"
NE1/4 NW1/4-----	27	"
SW1/4 NW1/4-----	29	"
SE1/4 NW1/4-----	36	"
SW1/4 NE1/4-----	8	
NW1/4 SW1/4-----	38	"
NE1/4 SW1/4-----	40	"
SW1/4 SW1/4-----	30	"
SE1/4 SW1/4-----	35	"
NW1/4 SE1/4-----	20	"
SW1/4 SE1/4-----	38	"
SE1/4 SE1/4-----	32	"
Section 30: NW1/4 NW1/4-----	34 (Lot 1)	"
NE1/4 NW1/4-----	34	"
SW1/4 NW1/4-----	28 (Lot 2)	"
SE1/4 NW1/4-----	34	"
NW1/4 NE1/4-----	34	"
NE1/4 NE1/4-----	34	"
SW1/4 NE1/4-----	34	"
SE1/4 NE1/4-----	34	"
NW1/4 SW1/4-----	34 (Lot 3)	"
NE1/4 SW1/4-----	34	"
SW1/4 SW1/4-----	34 (Lot 4)	"
SE1/4 SW1/4-----	34	"
NW1/4 SE1/4-----	34	"
NE1/4 SE1/4-----	34	"
SW1/4 SE1/4-----	34	"
SE1/4 SE1/4-----	34	"

LAND DESCRIPTION

pg 3

LEGAL DESCRIPTION

ACREAGE

AUTHORIZED BY
PERMIT NO.

T108N-R73W:

Section 31: NW1/4 NW1/4-----	37 (Lot 1)	4559-3
NE1/4 NW1/4-----	33	"
SW1/4 NW1/4-----	38 (Lot 2)	"
SE1/4 NW1/4-----	37	"
NW1/4 NE1/4-----	37	"
NE1/4 NE1/4-----	37	"
SW1/4 NE1/4-----	40	"
SE1/4 NE1/4-----	39	"
NW1/4 SW1/4-----	39 (Lot 3)	688-3
NE1/4 SW1/4-----	39	"
SW1/4 SW1/4-----	5 (Lot 4)	"
SE1/4 SW1/4-----	22 (Lot 5)	"
NW1/4 SE1/4-----	39	"
NE1/4 SE1/4-----	39	"
SW1/4 SE1/4-----	29	"
SE1/4 SE1/4-----	28	"
Section 32: NW1/4 NW1/4-----	40	4559-3
NE1/4 NW1/4-----	37	"
SW1/4 NW1/4-----	37	"
SE1/4 NW1/4-----	38	"
NW1/4 NE1/4-----	40	"
NE1/4 NE1/4-----	35	"
SW1/4 NE1/4-----	40	"
SE1/4 NE1/4-----	6	"
NW1/4 SW1/4-----	40	688-3, 2376-3
NE1/4 SW1/4-----	36	"
SW1/4 SW1/4-----	39	"
SE1/4 SW1/4-----	8	"
NW1/4 SE1/4-----	27	4559-3

TOTAL ACREAGE DEVELOPED

3311

B. WORKS USED TO TRANSPORT WATER TO PLACE OF USE

PIPING

<u>Size</u>	<u>Type</u>	<u>Approximate Length</u>
24 inch diamter	Steel	768 feet
20 inch diamter	Steel	816 feet
15 inch diameter	PVC	21,500 feet
12 inch diameter	PVC	16,740 feet
10 inch diameter	PVC	7850 feet
8 inch diameter	PVC	18,200 feet
6 inch diameter	PVC	5660 feet

C. WORKS USED TO APPLY WATER TO BENEFICIAL USE

PG 1C

<u>Pivot</u> <u>Number</u>	<u>Make</u>	<u>Model</u>	<u>Length</u> <u>(ft)</u>	<u># Towers</u>	<u>GPM</u>	<u>Operating</u> <u>Pressure</u> <u>(psi)</u>
1	Reinke	670	1114	6	600	55
2	Reinke	6580	1624	10	1227	65
3	Reinke	6580	1468	9	1000	55
4	Reinke	670	1289	7	787	65
5	Reinke	670	1114	6	600	55
6	Reinke	6580	1624	10	1227	70
7	Reinke	670	1289	7	787	65
8	Reinke	6580	1392	9	900	55
9	Reinke	670	1289	7	787	60
10	Reinke	Mini	954	6	460	60
11	Reinke	6580	1468	9	1000	60
12	Reinke	Mini	759	5	332	50
13	Reinke	680	1312	8	814	55
14	Reinke	680	1312	8	814	55
15	Reinke	680	1312	8	814	55
16	Reinke	670	1263	7	757	55
17	Reinke	670	1285	7	780	55
18	Reinke	680	1312	8	814	55
19	Reinke	680	1284	8	787	55
20	Reinke	680	1284	8	787	55
21	Zimnatic	Zim.	1284	7	780	55
22	Reinke	670	1284	7	780	55
23	Olson	Olson	1251	9	740	60
24	Reinke	680	1312	8	814	55
25	Reinke	680	1312	8	814	55

BOWERS DISTILLERY

LAND DEVELOPED THAT IS NOT COVERED BY EXISTING WATER PERMITS/RIGHTS

Legal Description	No. of Acres Developed	No. of Acres Authorized	Description in Original Advertisement	Water Permit/Right
SE1/4 Section 29-T108N-R73W	90	62.5	Section 29	4559-3
NW1/4 SE1/4 (Lot 4) Section 36-T108N-R74W	3	0	Lot 5 Section 36 *	688-3
SE1/4 SW1/4 (Lot 5) Section 31-T108N-R73W	22	20	SW1/4 Section 31	688-3
NE1/4 Section 32-T108N-R73W	121	100	Section 32	4559-3
SE1/4 Section 32-T108N-R73W	27	20	Section 32	4559-3

The total acreage developed (3311 acres) is less than the total acreage authorized by the four Water Permits/Rights (3856.77 acres) held by Bowers Distillery. Except for the '*' item above, each of the advertisements covers the discrepancy in the number of acres developed. The 3 acres developed in Lot 4 Section 36-T108N-R74W ('*' item above) should have been discovered during the licensing inspection for Water Right No. 688-3 conducted on July 18, 1966. For these reasons, no readvertisement will be made.



Department of Water & Natural Resources

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

July 24, 1990

4559-3

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

Dear Mr. Bowers:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 4559-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Ginny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ July 30 _____, 19 90

RECEIVED OF Kent Bowers, Bowers Distillery, 611 N. Van Buren, 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 works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>Water Permit No. 1559-5</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

John G. Hallett
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4559-3

(1) Bowers Distillery of 611 N Van Buren, Pierre, SD 57501 made Application No. 4559-3, July 31, 1980 for a water permit to appropriate 34.50 cubic feet of water per second from the Missouri River, Hughes County, South Dakota for irrigation purposes. Permit No. 4559-3 with a priority date of October 13, 1980 was approved November 19, 1980 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before November 19, 1985 and for the application to beneficial use of said water on or before November 19, 1989.

The applicable portions of Water Right No. 688-3, and Water Permit Nos. 2303-3 and 2376-3 are incorporated into this Water License No. 4559-3. The priority dates are as follows:

Acreage developed under	No. 688-3	- February 4, 1960
"	"	" No. 2303-3- June 20, 1975
"	"	" No. 2376-3- October 10, 1975
"	"	" No. 4559-3- October 13, 1980

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 45.79 cubic feet of water per second for beneficial use. The location of the diversion points are:

Pump Station No. 1 - approximately 1530'S and 115'W the NW corner of Section 36, T108N, R74W (SE 1/4 NE 1/4 Sec 35, T108N, R74W)

Pump Station No. 2 - approximately 1190'E and 840'S of the center of Section 36, T108N, R74W (NW 1/4 SE 1/4 (Lot 4) Section 36, T108N, R74W)

Pump Station No. 3 - approximately 1750'E and 3000'S of the center of Section 31, T108N, R73W (NE 1/4 NE 1/4 Section 6, T107N, R73W)

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent:

LEGAL DESCRIPTION	NO. OF ACRES	AUTHORIZED BY PERMIT NO.
T108N-R74W:		
Section 24: NW1/4 SE1/4-----	34	4559-3
NE1/4 SE1/4-----	34	"
SW1/4 SE1/4-----	34	"
SE1/4 SE1/4-----	34	"
Section 25: NW1/4 NW1/4-----	34	2376-3
NE1/4 NW1/4-----	34	"
SW1/4 NW1/4-----	32	"
SE1/4 NW1/4-----	32	"
NW1/4 NE1/4-----	34	4559-3
NE1/4 NE1/4-----	33	"
SW1/4 NE1/4-----	33	"
SE1/4 NE1/4-----	33	"
NW1/4 SW1/4-----	35	2376-3
NE1/4 SW1/4-----	35	"
SW1/4 SW1/4-----	25	"
SE1/4 SW1/4-----	25	"
NW1/4 SE1/4-----	34	"
NE1/4 SE1/4-----	34	"
SW1/4 SE1/4-----	34	"
SE1/4 SE1/4-----	34	"
Section 26: NW1/4 NE1/4-----	33	4559-3
NE1/4 NE1/4-----	33	"
SW1/4 NE1/4-----	33	"
SE1/4 NE1/4-----	33	"
NW1/4 SE1/4-----	34	2303-3
NE1/4 SE1/4-----	32	"
SW1/4 SE1/4-----	34	"
SE1/4 SE1/4-----	32	"
Section 36: NW1/4 NW1/4-----	15	"
NE1/4 NW1/4-----	30	"
SW1/4 NW1/4-----	2 (Lot 1)	"
SE1/4 NW1/4-----	17 (Lot 2)	"
NW1/4 NE1/4-----	37	"
NE1/4 NE1/4-----	34	"
SW1/4 NE1/4-----	39	"
SE1/4 NE1/4-----	38	"
NW1/4 SE1/4-----	3 (Lot 4)	"
NE1/4 SE1/4-----	27 (Lot 5)	688-1

LAND DESCRIPTION

LEGAL DESCRIPTION

NO.OF ACRES

AUTHORIZED BY
PERMIT NO.

T108N-R73W:

Section 19:	NW1/4 SW1/4-----	34 (Lot 3)	4559-3
	NE1/4 SW1/4-----	34	"
	SW1/4 SW1/4-----	34 (Lot 4)	"
	SE1/4 SW1/4-----	34	"
	NW1/4 SE1/4-----	29	"
	NE1/4 SE1/4-----	29	"
	SW1/4 SE1/4-----	29	"
	SE1/4 SE1/4-----	29	"
Section 20:	SW1/4 SW1/4-----	16	"
	SE1/4 SW1/4-----	10	"
Section 29:	NW1/4 NW1/4-----	38	"
	NE1/4 NW1/4-----	27	"
	SW1/4 NW1/4-----	29	"
	SE1/4 NW1/4-----	36	"
	SW1/4 NE1/4-----	8	"
	NW1/4 SW1/4-----	38	"
	NE1/4 SW1/4-----	40	"
	SW1/4 SW1/4-----	36	"
	SE1/4 SW1/4-----	35	"
	NW1/4 SE1/4-----	20	"
	SW1/4 SE1/4-----	38	"
	SE1/4 SE1/4-----	32	"
Section 30:	NW1/4 NW1/4-----	34 (Lot 1)	"
	NE1/4 NW1/4-----	34	"
	SW1/4 NW1/4-----	28 (Lot 2)	"
	SE1/4 NW1/4-----	34	"
	NW1/4 NE1/4-----	34	"
	NE1/4 NE1/4-----	34	"
	SW1/4 NE1/4-----	34	"
	SE1/4 NE1/4-----	34	"
	NW1/4 SW1/4-----	34 (Lot 3)	"
	NE1/4 SW1/4-----	34	"
	SW1/4 SW1/4-----	34 (Lot 4)	"
	SE1/4 SW1/4-----	34	"
	NW1/4 SE1/4-----	34	"
	NE1/4 SE1/4-----	34	"
	SW1/4 SE1/4-----	34	"
	SE1/4 SE1/4-----	34	"

LAND DESCRIPTION

LEGAL DESCRIPTION

ACREAGE

AUTHORIZED BY
PERMIT NO.

T108N-R73W:

Section 31: NW1/4 NW1/4-----	37 (Lot 1)	4559-3
NE1/4 NW1/4-----	33	"
SW1/4 NW1/4-----	38 (Lot 2)	"
SE1/4 NW1/4-----	37	"
NW1/4 NE1/4-----	37	"
NE1/4 NE1/4-----	37	"
SW1/4 NE1/4-----	40	"
SE1/4 NE1/4-----	39	"
NW1/4 SW1/4-----	39 (Lot 3)	688-3
NE1/4 SW1/4-----	39	"
SW1/4 SW1/4-----	5 (Lot 4)	"
SE1/4 SW1/4-----	22 (Lot 5)	"
NW1/4 SE1/4-----	39	"
NE1/4 SE1/4-----	39	"
SW1/4 SE1/4-----	29	"
SE1/4 SE1/4-----	28	"
Section 32: NW1/4 NW1/4-----	40	4559-3
NE1/4 NW1/4-----	37	"
SW1/4 NW1/4-----	37	"
SE1/4 NW1/4-----	38	"
NW1/4 NE1/4-----	40	"
NE1/4 NE1/4-----	35	"
SW1/4 NE1/4-----	40	"
SE1/4 NE1/4-----	6	"
NW1/4 SW1/4-----	40	688-3, 2376-3
NE1/4 SW1/4-----	36	"
SW1/4 SW1/4-----	39	"
SE1/4 SW1/4-----	8	"
NW1/4 SE1/4-----	27	4559-3

TOTAL ACREAGE DEVELOPED

3311

(4) Pursuant to Section 46-5-30.1 Bowers Distillery of 611 N Van Buren, Pierre, SD 57501 the holder(s) and/or owner(s) of Incorporated Water Permit No. 4559-3 is issued a license to appropriate water, the right to use 45.79 cubic feet of water per second from the Missouri River with priority dates of February 4, 1960, June 20, 1975, October 10, 1975 and October 13, 1980 from the locations specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 4559-3 and subject to South Dakota State Law.



MAY 15 1992

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

MAY 15 1992

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

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.



4559-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

NOTICE

TO: KENT BOWERS
BOWERS DISTILLERY INC.
207 LAKESIDE LANE
PIERRE, SD 57501

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 4559-3

The first notice to file chemigation report(s) for Permit No(s) 4559-3 was dated October 18, 1993. Our records indicate that we have not received the 1993 chemigation report for Permits No(s) 4559-3. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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 hearing will be held at 8:45 A.M. on April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, 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). 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. Prior to April 1, 1994, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to April 1, 1994, you will no longer be in violation and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4559-3

4a. Article Number

P 837 692 671

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-17-94

8. Addressee's Address (Only if requested and fee is paid)

KENT BOWERS
BOWERS DISTILLERY INC.
207 LAKESIDE LANE
PIERRE, SD 57501

5. Signature (Addressee)

6. Signature (Agent)

Sandra Bowers

PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

4559-3



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

February 18, 1994

4559-3

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

Dear Mr. Bowers:

Please disregard the February 16, 1994, **Notice of Failure to Report Chemical Use under Water Permit No. 4559-3**. We do have your chemigation report on file and the notice was sent in error. I apologize for the mistake and any inconvenience or concern it may have caused.

Your name has been deleted from the agenda. If you have any questions, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ron Duvall', is written over a horizontal line.

Ron Duvall
Natural Resources Engineer
Water Rights Division
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 8, 2004

4559-3

Kent Bowers
Bowers Distillery Inc
207 Lakeside Lane
Pierre SD 57501 5212

Dear Mr. Bowers:

I am writing in regard to your 2003 irrigation questionnaire and Water Right No. 4559-3. I have enclosed copies of each for your review.

On your 2003 irrigation questionnaire you indicated a total of 3,600 acres were being irrigated. The water right authorizes a total of 3,311 acres. If you "estimated" the number of acres when completing the questionnaire, I will go ahead and make a notation to that affect on the form. If you actually irrigate roughly 300 more acres than described on the water right, I can send you application forms for a permit and we will work with you to bring your water right up to date to reflect the irrigation system as it exists today.

Please contact our office if you need application forms or to clarify what was reported on your irrigation questionnaire. Thank you in advance for your help.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 18, 2004

4559-3

Kent Bowers
Bowers Distillery Inc
207 Lakeside Lane
Pierre SD 57501 5212

Dear Mr. Bowers:

Thank you for taking the time to visit with me on August 17th concerning the additional acreage reported on your 2003 irrigation questionnaire.

It is my understanding that you are reporting irrigation information for your land and for two pivots you operate for Monte and Rose Gregg. I do send you an irrigation questionnaire for Water Right No. 4653-3 held by Gregg's which covers the SW ¼ Section 24, T108N, R74W. With regard to the other pivot you operate for Gregg's, you can report that with your own questionnaire but include a notation to that affect along with a legal description of the pivot.

Within the next couple weeks or so, we are going to make a map showing what we have on record as far as the various pivots you irrigate. We'll supply a copy to you and you can let us know if it looks fairly accurate to your current irrigation set-up.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 25, 2004

4559-3

Kent Bowers
Bowers Distillery Inc
207 Lakeside Lane
Pierre SD 57501 5212

Dear Mr. Bowers:

I am writing in follow-up to our recent discussion concerning the additional acreage and also the acreage you irrigate for Monte and Rose Gregg.

Enclosed is a map prepared by Ron Duvall showing the location of the pivots covered under Water Right No. 4559-3. Most of the additional acreage you were reporting is covered by water rights held by the Gregg's. There was a small amount you indicated that may be different from what is described on your water right.

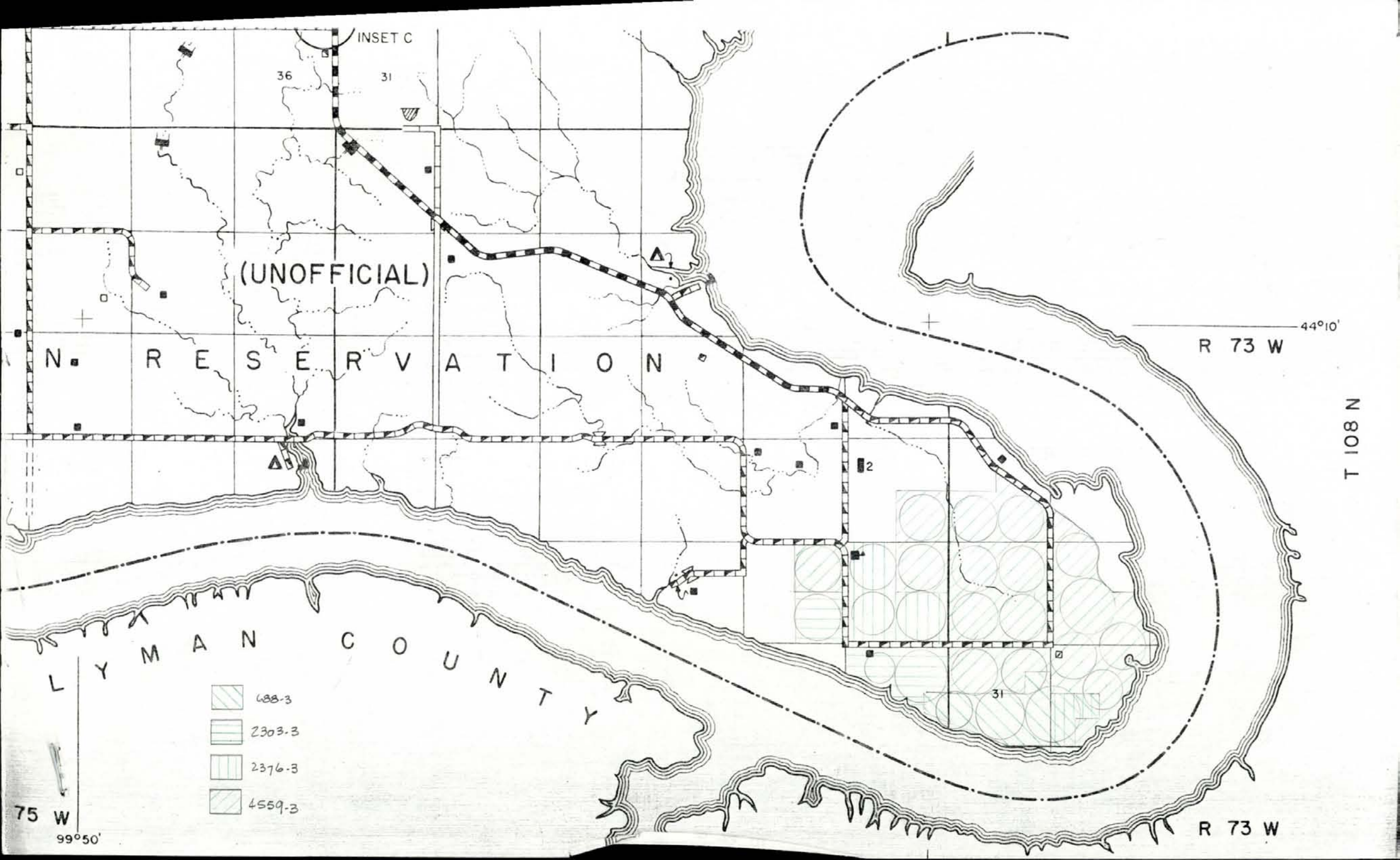
Please review the map and let us know how it matches up to what is actually being irrigated. Thank you in advance for your help.

Sincerely,

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

enclosure

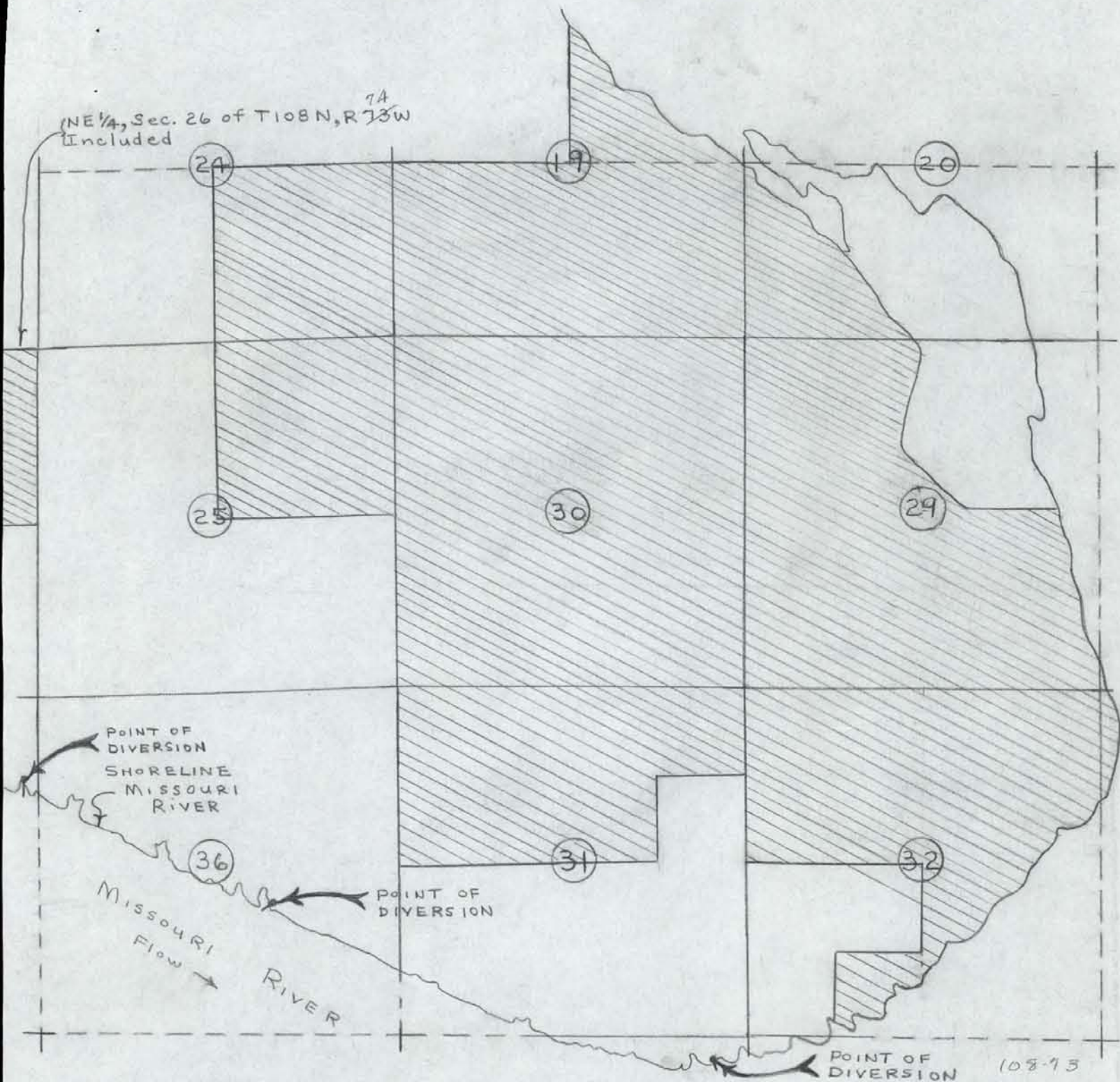




WATER APPROPRIATION MAP

JAMES BOWERS

HUGHES COUNTY



 - DENOTES LAND TO BE IRRIGATED - THIS APPLICATION

ALL LAND LOCATED IN SEC. 19, 20, 29, 30, 31 AND 32 OF T. 108N, R 73 W; AND SEC. 24, 25 AND 26 OF T 108N, R 74 W, SEE ATTACHMENT A FOR DESCRIPTION AND ACREAGE.

U.S. GOVERNMENT PROPERTY SHOWN INCLUDED, ON MAP ONLY.

State of South Dakota
County of Stanley

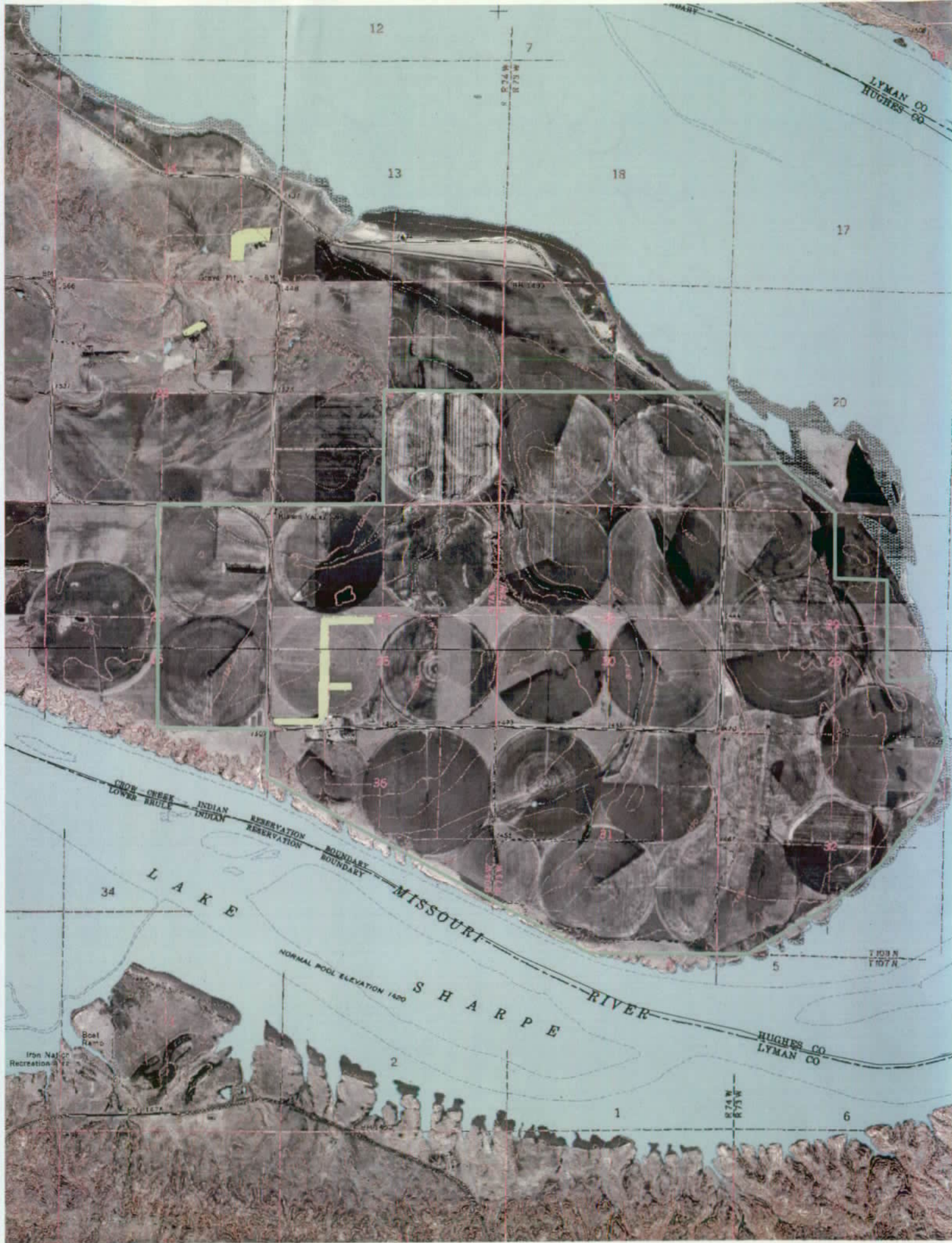
I, M. James Oehlerking, registered professional engineer No. 2722, in the State of South Dakota, do hereby certify that at the request of JAMES BOWERS, proprietor, I have shown the lands proposed to be irrigated within said boundaries on JULY 16, 1980 for which application for appropriative water right is made and that this map is a true representation thereof.

Witness my hand and seal this 16th day of JULY, 1980.

M. James Oehlerking
Professional Engineer

~~MAP 4559-3~~ Appl. 4559-3

4559-3





4559-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

JUN 29 2016

4559-3
7256-3

Kent Bowers
Bowers Distillery Inc
PO Box 338
Pierre SD 57501 0338

Dear Mr. Bowers:

Enclosed is Water License No. 7256-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The applicable portions of Water Right No. 4559-3 were incorporated into Water License No. 7256-3.