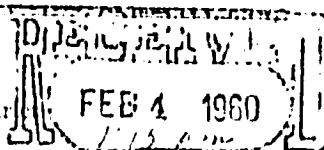


1. Considered 4-6, 1960 Appl. No. 688-3
2. Name of Applicant Martin Houston
3. Post Office Address Harrold
4. Amount of water claimed 6.55
5. Source of water supply Mo. River
6. Water to be used for irrigation
Acres to be irrigated 458.5
7. Water to be diverted and used in Hughes County about
285.25 miles of Harrold.
8. Proof of Publication Received 1st
Not Received
9. Application Approved ✓
 Subject to
 Not approved
 Action deferred

10. Remarks:

No. 688-3
 Water Division No. 3 Missouri River District
 (Blanks to be filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMMISSION
 PIERRE, SOUTH DAKOTA

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

(NOTE—Draw a line through items not applicable.)

1. Name of applicant ~~Martin and Grace Houston~~ JACK MARTIN Bowers Distillery Inc.
 Box 1238 PIERRE
 Postoffice address ~~Harrold~~ _____, County Hughes, State S. Dak.

I. If a corporation _____

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract & employment of others

- (b) Cash on hand, \$ \$5000 (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Houston # 1
 3. Amount of water claimed ~~5.734~~ 6.55 cubic feet per second
 4. Source of water supply Missouri River
 5. Location of point of diversion S 13°30'W 196 rods from E 1/4 corner
SEC 31 T108N R73W on North bank Hughes County.
 6. Annual period or periods during which water is to be used Apr 1 thru Nov 30
 7. To be used for:

- I. Irrigation or ~~domestic~~ use: Gravity, ~~overhead sprinkling~~ or ~~other~~ system?

- (a) Number of acres to be irrigated 400 458.5 acres. see attachment

- (b) Legal subdivisions to be irrigated All tracts in 108N R73W of 5th PM
SW 1/4 SE 1/4 of NE 1/4 of SW 1/4 & NE 1/4 of SW 1/4 32

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) None

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use None
 Name any of the above uses claimed _____

- (b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

- (c) Location of plant _____

- (d) Method of developing power _____

- (e) Point where water will be returned to stream _____

Map No 527-3

All lands described are owned by
MARTIN and GRACE HOUSTON.

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NE ⁴ SW ⁴	32	108N	73W	40.0
NW ⁴ SW ⁴	32	108N	73W	40.0
SW ⁴ SW ⁴	32	108N	73W	40.0
SE ⁴ NE ⁴	31	108N	73W	40.0
NW ⁴ SE ⁴	31	108N	73W	40.0
NE ⁴ SE ⁴	31	108N	73W	40.0
SW ⁴ SE ⁴	31	108N	73W	40.0
SE ⁴ SE ⁴	31	108N	73W	40.0
NE ⁴ SW ⁴	31	108N	73W	40.0
LOT 3	31	108N	73W	6.5
LOT 4	31	108N	73W	20.0
LOT 5	31	108N	73W	32.5
LOT 5	35	108N	74W	32.5
			TOTAL	353.5

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$ 3500

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures pipeline & levelling \$ 20,000

Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pumping Station off the North River Bank

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....material used in construction.....

(b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; height.....feet;
Material.....

(d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.11. Time required for complete application of water to the proposed beneficial use 4 years.12. Choice of paper for publication of notice of intention to appropriate Harrold Journal

STATE OF SOUTH DAKOTA
County of Hughes } ES.

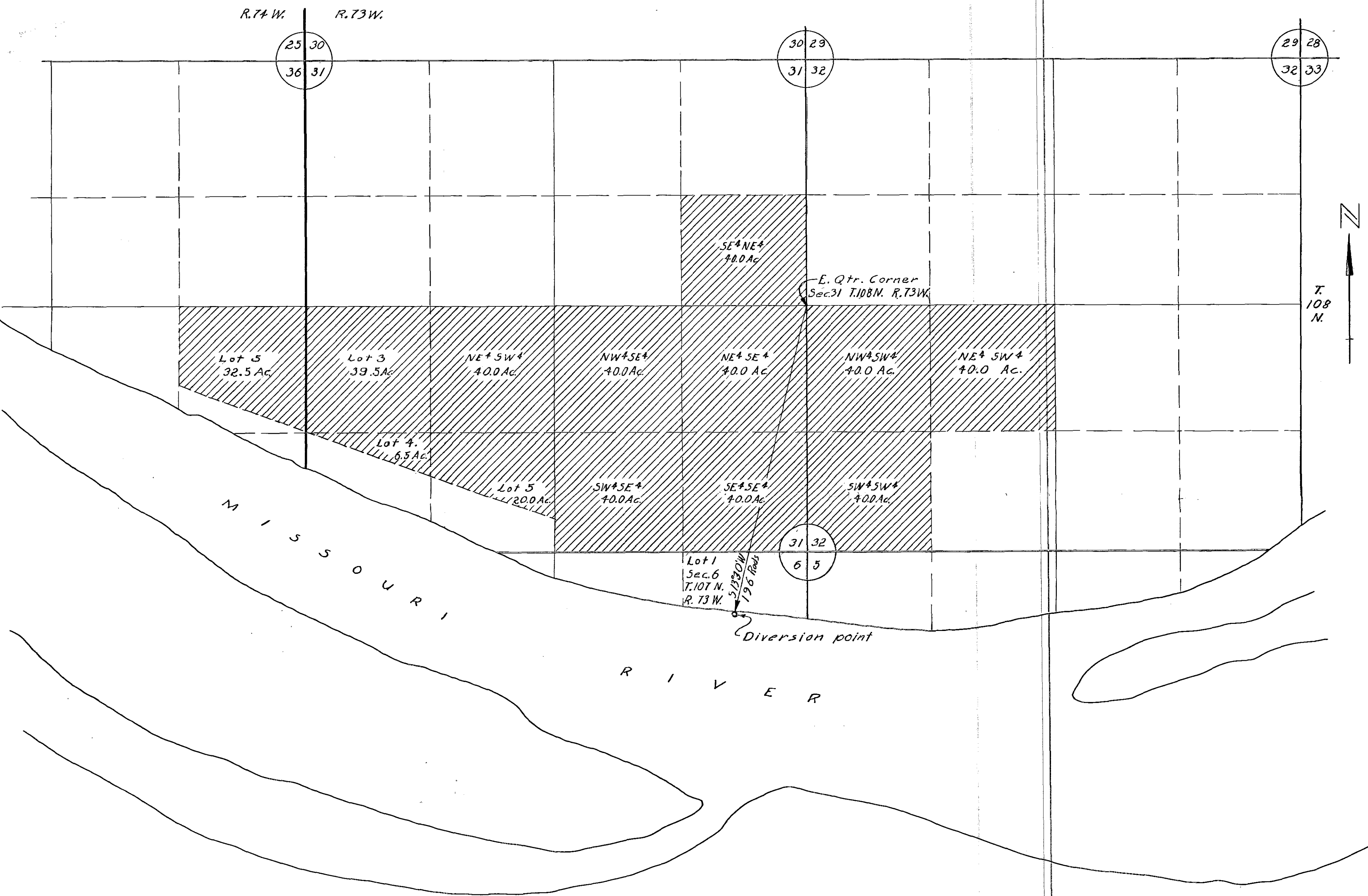
I, Martin Houston, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Martin HoustonSubscribed and sworn to before me this 17 day of February 1912

LELA S THOMAS, NOTARY PUBLIC
MY COMMISSION EXPIRES
JANUARY 1, 1915

Lela S. Thomas
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



All lands described are owned by
MARTIN and GRACE HOUSTON.

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NE ¹ / ₄ SW ¹ / ₄	32	108N	73W	40.0
NW ¹ / ₄ SW ¹ / ₄	32	108N	73W	40.0
SW ¹ / ₄ SW ¹ / ₄	32	108N	73W	40.0
SE ¹ / ₄ NE ¹ / ₄	31	108N	73W	40.0
NW ¹ / ₄ SE ¹ / ₄	31	108N	73W	40.0
NE ¹ / ₄ SE ¹ / ₄	31	108N	73W	40.0
SW ¹ / ₄ SE ¹ / ₄	31	108N	73W	40.0
SE ¹ / ₄ SE ¹ / ₄	31	108N	73W	40.0
NE ¹ / ₄ SW ¹ / ₄	31	108N	73W	40.0
LOT 3	31	108N	73W	39.5
LOT 4	31	108N	73W	6.5
LOT 5	31	108N	73W	20.0
LOT 5	36	108N	74W	32.5
TOTAL				458.5

SURVEYORS CERTIFICATE

I, HENRY V. DANLIQUIST DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE MARTIN HOUSTON IRRIGATION PROJECT AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE HUGHES COUNTY SOIL CONSERVATION DISTRICT.

SIGNATURE: Henry V. Danliquist
TITLE: AREA ENGINEER
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23rd DAY OF February, 1960, A.D.

W. H. S. Howard
NOTARY PUBLIC

MY COMMISSION EXPIRES 21 May, 1961.

Scale: 1" = 660'

MARTIN HOUSTON IRRIGATION PROJECT			
Hughes Co. South Dakota			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed _____	Date _____	Approved by _____	Title _____
Drawn _____			
Traced _____	Sheet _____	Drawing No. _____	
Checked _____	2/60	No. 1 of 1	

Map No 527-3 (Appl No 688-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, Feb 11, 1960

This is to certify that the foregoing application was received by the Commission at 1:15 o'clock
P.m. upon the 4th day of February, 1960

State Water Resources Commission

By:

William J. Jones
for Chief Engineer, Executive Officer

Number of permit 688-3

Date of first receipt of application February 4, 1960

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right February 4, 1960

Approved April 6, 1960, Recorded in Book 6 Page 8

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

October 6, 1962

2nd. The whole of said work is to be completed on or before April 6, 1965

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is _____

April 6, 1969

4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 6.55 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 April 6, 1969; said water to be used during the following described annual period:

April to November, inclusive

Witness my hand this 11 day of April, 1960

State Water Resources Commission

By:

William J. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued July 19, 1966

Water License Issued July 19, 1966

STATE OF SOUTH DAKOTA

WATER LICENSE No. 688-3

WHEREAS, On the 4th day of February A. D. 1960
Martin and Grace Howston

of Harrold County of Hughes and State of
South Dakota duly made application (No. 688-3) to us for a permit to use 6.55
cubic feet per second of the waters of the Missouri River
County of Hughes State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 11th day of April A. D. 1960
Permit No. 688-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 6th day of
April A. D. 1965 and for the application to beneficial use of said
water on or before the 6th day of April A. D. 1969
and,

WHEREAS, On the 18th day of July A. D. 1966
the holder of said permit duly made proof of the completion of adequate works for the diversion of 7.7
cubic feet per second of said waters, as evidenced by our Certificate No. 688-3
dated July 19, 1966 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 7.7 cubic feet per second of water, with date of
priority of February 4, 1960 xxx and,

WHEREAS, On the 18th day of July A. D. 1966
proof was duly made of the application to beneficial use of 6.55 cubic feet per second of said water;
for irrigation of 458.5 acres in portions of Sections 31 and 32, T108N, R73W, and
Section 36, T108N, R74W

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
 We hereby grant and confirm to Martin and Grace Houston
 of Harrold the holder and owner of said permit No. 688-3
 a water right, dating from February 4, 1960 to the use of 6.55
 cubic feet per second of the waters of the Missouri River
 in the County of Hughes and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinbefore mentioned, to be diverted at a point S13° 30' W, 196 rods from
the E½ corner, Section 31, T108N, R73W
 and conducted to and upon portions of Sections 31 and 32, T108N, R73W and Section 36,
T108N, R74W, more specifically described in the Certificate of Completion of Works
 for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
 State, and subject, also to the local or community customs, rules and regulations which have been or may be
 adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
 which such water may be taken, when such rules and regulations have for their object the economical use of such
 water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 19th day of July A. D. Nineteen
Sixty-Six
 Hundred and _____

State Water Resources Commission

By:

J. W. GRIMES
 Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Acreage _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 688-3Water Division No. 3 Missouri River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Martin and Grace Houston

of Harrold, County of Hughes, and State of South Dakota, the holder of Permit No. 688-3, Issued upon Application No. 688-3, bearing date of priority of February 4, 1950, authorizing the diversion of 6.55 cu. ft. per second of the waters of the Missouri River

County of Hughes, State of South Dakota, at a point S 13° 30' W,
196 rods from the E $\frac{1}{4}$ corner, Section 31, T108N, R73W

for irrigation purposes, have fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 7.7 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit:

T108N, R73W, Section 31	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 acres
	SE $\frac{1}{4}$	160.0 "
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 "
	Lot 3	37.5 "
	Lot 4	6.5 "
	Lot 5	20.0 "
Section 32	SW $\frac{1}{4}$	120.0 "
T108N, R74W Section 36	Lot 5	32.5 "
	Total -	458.5 "

Witness my hand this 19th day of July 66 A. D. 19

State Water Resources Commission

By:

J. W. ORLES

Chief Engineer, Executive Officer

(First Publication ~~on or before March 10~~ 1960.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., February 24, 1960

Notice is hereby given that ~~Martin Houston~~ whose postoffice address is ~~Harrold~~ S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use ~~6.55~~ cubic feet of water per second of time from the ~~Missouri River~~ through the ~~Houston #1~~, the point of diversion of which is to be located on the ~~North~~ bank of said stream in the ~~Lot 1~~ ~~1/2 of the~~ ~~1/2~~ of Section ~~6~~ Twp. ~~107N~~ Range ~~73W~~. Said water to be used for the purpose of providing irrigation on ~~portions of~~ following described land:

~~SW 1/4 Sec 32, SE 1/4 NE 1/4, NE 1/4 SW 1/4, SE 1/4 and Lots 3, 4 and 5 Sec 21, all in T-10N-~~
~~R73 W2 and Lot 5, Sec 36 T-10N R. 71, W.~~

~~and to be~~ ~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the ~~6th~~ day of ~~April~~, 1960, at ~~2~~ P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

~~State Engineer, Executive Office~~
 Hurton F. Jones
 Water Right Specialist

cc: Ray Misterok-Publisher
 Harrold Journal
 Harrold, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Hughes } ss.Raymond E. Mistura being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----Harrold 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 Town of Harrold of Hughes County of Hughes and State of South Dakota; that the said notice was published in said newspaper on the following dates:March 3, 1960March 10, 1960March 17, 1960March 24, 1960in each and every issue of the full number thereof, the first publication being made on the 3 day of March 1960 and the last publication on the 24 day of March 1960, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Owner the printer and publisher of the said newspaper.Raymond E. MisturaSubscribed and sworn to before me this 30 day of March A. D. 1960Elvie MisturaNotary Public Hughes County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission,
Pierre S. Dak. February, 24, 1960Notice is hereby given that Martin Houston whose postoffice address is Harrold, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 6.53 cubic feet of water per second of time from the Missouri River through the Houston #1, the point of diversion of which is to be located on the North Bank of said stream in the Lot 1 of Section 6 Twp. 107N Range 73W. Said water is to be used for the purpose of irrigation on portion of the following described land:
SW1/4, NE1/4, SE1/4, NE1/4, SW1/4, NE1/4, and Lots 3, 4 and 5 Sec. 31, all in T 105N R 73 W; and Lot 5, Sec. 35 T 105N R 73 W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of April, 1960, at 2 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
Wm. Burton F. Jones
Water Right Specialist

DEPARTMENT OF THE ARMY
NOTICE OF ACCEPTANCE OF OFFER TO SELL REAL PROPERTY

28 FEB 1962

Project Big Bend Dam & Reservoir

Tract Nos 402-1, 402-2, 404, 405
& 440

Contract Nr. DA-25-066-CIVENG-62-917

Vendor Martin Houston

Harrold, South Dakota

Notice is hereby given that on the 27th day of February, 1962,
THE UNITED STATES OF AMERICA accepted your offer dated the 16th day of February,
1962, for the acquisition of the tract of land situate in the County of Hughes,
State of South Dakota and more particularly described in the offer.
A fully executed copy of the accepted offer is attached.

THE UNITED STATES OF AMERICA

1 Incl:
Offer

By:

[Signature]
Contracting Officer

DEPARTMENT OF THE ARMY 2200 01.111
OFFER TO SELL REAL PROPERTY

Project Big Bend Park & Reservoir

Tract No. 402-1, 402-2, 404, 405
A 440

Contract No. DA-25-066-G17203-52-919

The undersigned, hereinafter called the Vendor, in consideration of the mutual covenants and agreements herein set forth, offers to sell and convey to the United States of America and its assigns, the fee simple title to the following described land, with the buildings and improvements thereon, and all rights, hereditaments, easements, and appurtenances thereunto belonging, located in the County of Hughes, State of South Dakota, bounded and described as follows:

Tract 402-1

S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, the triangular portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ bounded by the South and East sides of said N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and by a diagonal line extending from the Southwest corner of said N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the Northeast corner thereof, all in Section 32, Township 108 North, Range 73 West of the Fifth Principal Meridian, Hughes County, South Dakota.

The tract of land herein described contains 12.50 acres, more or less.

Tract 402-2

S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, the triangular portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ bounded by the South and West sides of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and by a diagonal line extending from the Southeast corner of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ to the Northwest corner thereof, in Section 31, Township 108 North, Range 73 West of the Fifth Principal Meridian, Hughes County, South Dakota.

The tract of land herein described contains 7.50 acres, more or less.

Tract 404

Lots 4 and 5 except that portion of said lots 4 and 5 more particularly described as follows: Beginning at the Northeast corner of said Lot 5; thence Southerly along the East line of said Lot 5 a distance of 599.00 feet; thence Northerly to a point on the North line of aforesaid Lot 4, said point being 660.00 feet Westerly from the Northeast corner of said Lot 4; thence Easterly along the North line of said Lots 4 and 5 to the point of beginning, in Section 31, Township 108 North, Range 73 West of the Fifth Principal Meridian, Hughes County, South Dakota.

The tract of land herein described contains 36.10 acres, more or less.

Tract 405

S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, the triangular portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ bounded by the South and West sides of said N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and by a diagonal line extending from the Southeast corner of said N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the Northwest corner thereof, the triangular portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ bounded by the South and West sides of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and by a diagonal line extending from the Southeast corner of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the Northwest corner thereof, all in Section 36, Township 108 North, Range 74 West of the Fifth Principal Meridian, Hughes County, South Dakota.

The tract of land herein described contains 4.57 acres, more or less.

Tract 406

Lot 3 of Section 36, Township 108 North, Range 74 West of the Fifth Principal Meridian, Hughes County, South Dakota, together with all accretions thereto.

The tract of land herein described contains 2.50 acres, more or less.

subject to the following exception and rights outstanding in the property:

Subject to existing encumbrances for public roads and highways, for public utilities, for railroads and pipelines. Subject to mineral rights and other rights previously reserved by the State of South Dakota, if any, pursuant to South Dakota Code 61.0147, 15.0501 and 55.0203, and notes amendatory thereto. Subject to reservations contained in the United States land patent, if any.

The Vendor reserves only the following rights and interests in the above described property:
[namely:] See page 2A, 2B

Notwithstanding the provisions of paragraph 7 of this offer, the vendor, or his tenant now in possession of the property, in consideration of the protection and maintenance of the land, buildings and structures, protection of the property against loss by fire, waste or other causes, to which the vendor hereby agrees, reserves the right to occupy the property until 31 December 1962. Such occupancy is subject to revocation by the contracting officer at any time upon giving 90 days notice in writing to the vendor if possession of the property is required by the United States; and provided further that the owner or his tenant will remove no improvements or timber unless otherwise provided herein.

The terms and conditions of this offer are as follows:

(1) The vendor agrees that this offer may be accepted by the United States, through any duly authorized representative, by delivering, mailing, or telegraphing a notice of acceptance to the Vendor at the address stated below, at any time within **ninety days** ~~(x.2.1962)~~ from the date hereof, whereupon this offer and the acceptance thereof become a binding contract.

(2) The United States of America agrees to pay to the Vendor for said land the sum of **Three Thousand Five Hundred** (\$ **3,500.00**), payable on the acceptance of this offer and approval of the Vendor's title; provided the Vendor can execute and deliver a good and suf-

Reserving, however, to the owner or the owners of any interest therein, including third party leasees, their heirs, successors, and assigns, all oil, gas and other minerals in and under said land with full rights of ingress and egress for exploration, development, production and removal of said oil, gas and other minerals, provided that the said oil, gas and other minerals so reserved are subordinated to the prior right of the United States to flood and submerge the land as may be necessary in the construction, operation and maintenance of the project and provided that any exploration or development of such rights shall be subject to Federal and State laws with respect to pollution of waters of the reservoir; provided further that the District Engineer, 1st Army Engineer District, Omaha, or his duly authorized representative, shall approve in advance of the exploration and or development of such reserved interests, the type of and locations of any structures and or appurtenances thereof now existing or to be erected or constructed in connection with such exploration and or development; said structures and or appurtenances thereof shall not create navigable obstructions.

In the event that oil, gas and other minerals rights reserved in or under the lands described herein, are needed in the future, this reservation shall be there as well.

Reserving, however, to the owner or the owners of any interest therein, including third party lessees, their heirs, successors, and assigns, all oil, gas and other minerals in and under said land with full rights of ingress and egress for exploration, development, production and removal of said oil, gas and other minerals, provided that the said oil, gas and other minerals so reserved are subordinated to the prior right of the United States to flood and submerge the land as may be necessary in the construction, operation and maintenance of the project and provided that any exploration or development of such rights shall be subject to Federal and State laws with respect to pollution of waters of the reservoir; provided further that the District Engineer, US Army Engineer District, Omaha, or his duly authorized representative, shall approve in furtherance of the exploration and/or development of such reserved interests, the type of and location(s) of any structure(s) and/or appurtenances thereto now existing or to be erected or constructed in connection with such exploration and/or development; said structures and/or appurtenances thereto shall not create floatable debris.

In the event that oil, gas and other mineral rights therein, on or under the lands described herein, are vested in the State, this reservation as to those is void.

Ag. H.

Excepting and reserving, however, to the owner, his heirs, executors and assigns an easement and right-of-way for livestock access to the shoreline of the Big Bend Reservoir together with the right to maintain a water pipeline and pumping unit for the exercise of established water rights, although no right to use water is created hereby upon, over and across the following described land:

A strip of land in Lot 5, Section 31, Township 100 North, Range 73 West of the Fifth Principal Meridian, Hughes County, South Dakota, said strip being more particularly described as follows:

A strip of land 150 feet wide lying Southeasterly of a diagonal line extending from a point 390 feet Southerly of the Northeast corner of said Lot 5 to a point on the North line of Lot 4, Section 31, Township 100 North, Range 73 West, said point being 437 feet Westerly of the Northwest corner of said Lot 5; said strip being 75 feet on either side of the following described line; beginning at a point on said diagonal line, which point is 450 feet West of the East line of said Lot 5, thence Southwesterly, at right angles to the said diagonal line, to the left bank of the Missouri River;

And, however, the easement and right-of-way so reserved shall be subordinate to the right of the United States to flood and submerge the said land permanently or intermittently in the construction, operation, and maintenance of the Big Bend Dam and Reservoir Project, and, further, if the owner elects to fence the right-of-way, either gates or dikes will be installed and maintained by said owner at intervals satisfactory to the District Engineer, U. S. Army Engineer District, Omaha, Nebraska, or his duly authorized representative, to permit crossing the right-of-way.

efficient general warranty deed and agree to said deed with the same, and to all encumbrances thereunto belonging to the United States of America, and to pay all taxes and charges from all liens and encumbrances, except those encumbrances reserved herein, together with all right, title, and interest of the Vendor, and to execute the same, with all maps, strips, poles, or railroad rights-of-way of other public lands and

(3) It is agreed that the United States will defray the expense incident to the preparation and recordation of the deed to the United States and the procurement of the same, and the expenses

(4) The Vendor agrees that all taxes, assessments, and encumbrances which are a lien against the land at the time of conveyance to the United States shall be satisfied or record by the Vendor at or before the transfer of title and, if the Vendor fails to do so, the United States may pay any taxes, assessments, and encumbrances which are a lien against the land, that the amount of any such payments by the United States shall be deducted from the purchase price of the land; that the Vendor will, at the request of the United States and without prior payment or tender of the purchase price, execute and deliver the general warranty deed to the United States, pay the documentary revenue stamp tax, and obtain and record such other curative evidence of title as may be required by the United States.

(5) The Vendor agrees that loss or damage to the property by fire or acts of God shall be at the risk of the Vendor until the title to the land and deed to the United States have been accepted by the United States through its duly authorized representative or until the receipt of occupancy and use of the land, as hereinbelow provided for, has been exercised by the United States; and, in the event that such loss or damage occurs, the United States may, without liability, refuse to accept conveyance of the title or it may elect to accept conveyance of title to such property, in which case there shall be an equitable adjustment of the purchase price.

(6) The Vendor agrees that the United States may, notwithstanding the prior acceptance of this offer, acquire title to said land by condemnation or other judicial proceedings, in which event the Vendor agrees to cooperate with the United States in the prosecution of such proceedings; agrees that the consideration hereinabove stated shall be the full amount of the award of just compensation, inclusive of interest, for the taking of said land; agrees that any and all awards of just compensation that may be made in the proceeding to any defendant shall be payable and deductible from the said amount; and agrees that the said consideration shall be in full satisfaction of any and all claims of the Vendor for the payment of the right of occupancy and use hereinafter provided for in paragraph 7.

(7) As additional consideration for the payment of the purchase price hereinabove set forth, the Vendor hereby grants to the United States the right of immediate occupancy and use of the land for any purpose whatsoever from and after the acceptance by the United States of this offer until such time as said land is conveyed to the United States and, upon demand, the Vendor will immediately vacate the property and deliver possession to the United States, **except as otherwise provided for on page 2 of this option.**

(8) It is agreed that the spouse, if any, of the Vendor, by signing below, agrees to join in any deed to the United States and to execute any instrument deemed necessary to convey to the United States any separate or community estate or interest in the subject property and to relinquish and release any dower, curtesy, homestead, or other rights or interest of such spouse therein.

(9) The Vendor represents and it is a condition of acceptance of this offer that no Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to or share any part of this agreement, or to any benefits that may arise therefrom, but this provision shall not be construed to extend to any agreement if made with a corporation for its general benefit.

(10) The terms and conditions aforesaid are to apply to and bind the heirs, executors, administrators, successors, and assigns of the Vendor.

(11) All terms and conditions with respect to this offer are expressly contained herein and the Vendor agrees that no representative or agent of the United States has made any representation or promise with respect to this offer not expressly contained herein.

SIGNED, SEALED, AND DELIVERED this _____ day of _____, 19____

WITNESSES:

Vendor (SEAL)
Martin Houston

Spouse of Vendor (SEAL)
Grace Houston

Vendor (SEAL)

Spouse of Vendor (SEAL)

NOTICE OF ACCEPTANCE OF THIS OFFER IS TO BE SENT TO:

Martin Houston, Harrold, South Dakota
(Name and Address)

ACCEPTANCE OF OFFER TO SELL REAL PROPERTY

Date:

The offer of the Vendor contained herein is hereby accepted for and on behalf of the United States of America.

WITNESS:

Contracting Officer

WARRANTY DEED

Big Bend Dam and Reservoir Project
Tract Nos. 402-1, 402-2, 404, 405 and 410

688-3

MARTIN HOUSTON and GRACE HOUSTON, husband and wife, grantors, of Hughes County, state of South Dakota, for and in consideration of Three Thousand Five Hundred and No/100 dollars (\$3,500.00), grant, convey, and warrant to the UNITED STATES OF AMERICA, grantees, of Washington, D. C., and its assigns, the following-described real estate in the county of Hughes, in the state of South Dakota:

Tract No. 402-1

South Half of South Half of Southwest Quarter of Southwest Quarter (S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$), the triangular portion of the North Half of Southeast Quarter of Southwest Quarter of Southwest Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) bounded by the South and East sides of said N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and by a diagonal line extending from the Southwest corner of said N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the Northeast corner thereof, all in Section Thirty-Two (32), Township One Hundred Eight (108) North, Range Seventy-Three (73) West of the Fifth Principal Meridian, containing 12.50 acres, more or less.

Tract No. 402-2

South Half of Southwest Quarter of Southwest Quarter of Southeast Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$), the triangular portion of the South Half of Southeast Quarter of Southwest Quarter of Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) bounded by the South and West sides of said S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and by a diagonal line extending from the Southeast corner of said S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ to the Northwest corner thereof, in Section Thirty-One (31), Township One Hundred Eight (108) North, Range Seventy-Three (73) West of the Fifth Principal Meridian, containing 7.50 acres, more or less.

Tract No. 404

Lots Four (4) and Five (5) except that portion of said Lots 4 and 5 more particularly described as follows:

Beginning at the Northeast corner of said Lot 5; thence Southerly along the East line of said Lot 5 a distance of 990.00 feet; thence Northwesterly to a point on the North line of aforesaid Lot 4, said point being 660.00 feet Westerly from the Northeast corner of said Lot 4; thence Easterly along the North line of said Lots 4 and 5 to the point of beginning, in Section Thirty-One (31), Township One Hundred Eight (108) North, Range Seventy-Three (73) West of the Fifth Principal Meridian, containing 36.10 acres, more or less.

Tract No. 405

South Half of South Half of Southwest Quarter of Southwest Quarter of Northeast Quarter (S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$), the triangular portion of the North Half of South Half of Southwest Quarter of Southwest Quarter of Northeast Quarter (N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) bounded by the South and West sides of said N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and by a diagonal line extending from the Southeast corner of said N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the Northwest corner thereof, the triangular portion of the South Half of Southwest Quarter of Southwest Quarter of Southwest Quarter of Northeast Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) bounded by the South and West sides of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and by a diagonal line extending from the Southeast corner of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the Northwest corner thereof, all in Section Thirty-Six (36), Township One Hundred Eight (108) North, Range Seventy-Four (74) West of the Fifth

TO SECTION
TOWNSHIP
RANGE
COUNTY
STATE OF SOUTH DAKOTA

Principal Meridian, containing 4.37 acres, more or less.

Tract No. 446

Lot Three (3) of Section Twenty-Six (26), Township One Hundred Eight (108) North, Range Seventy-four (74) West of the Fifth Principal Meridian, together with all accretions thereto, containing 7.35 acres, more or less.

Subject, however:

To existing easements for public roads, public highways, public utilities, railroads, and pipelines.

Excepting and reserving:

To the grantors, or their tenant now in possession of the property, in consideration of the maintenance of the land, buildings and structures and their protection against loss by fire, waste or other causes, to which the grantors hereby agree, the right to occupy the property until December 31, 1962: Provided, however, that such occupancy is subject to revocation by the District Engineer, Corps of Engineers, Omaha District, or his duly authorized representative, at any time upon giving ninety (90) days notice in writing to the grantors if possession of the property is required by the United States, and provided, further, that the grantors or their tenant will not remove any improvements or timber except as otherwise herein provided.

To the grantors or the owner or owners of any interest therein, including third-party lessees, their heirs, successors and assigns, all oil, gas and other minerals in and under said lands, with full rights of ingress and egress for exploration, development, production and removal of said oil, gas and other minerals: Provided, however, that the oil, gas and other minerals so reserved are subordinated to the prior right of the United States of America to flood and submerge the land as may be necessary in the construction, operation and maintenance of the Big Bend Dam and Reservoir Project, and that any exploration or development of such rights shall be subject to federal and state laws with respect to pollution of waters of said reservoir, and provided, further, that the District Engineer, Corps of Engineers, Omaha District, or his duly authorized representative shall approve, in furtherance of the exploration and/or development of such reserved interests, the type of and location of any structure and/or appurtenances thereto now existing or to be erected or constructed in connection with such exploration and/or development; said structures and/or appurtenances shall not create floatable debris.

To the grantors, their heirs, executors and assigns an easement and right of way for livestock access to the shoreline of the Big Bend Reservoir together with the right to maintain a water pipeline and pumping unit for the exercise of established water rights, although no right to use water is created hereby upon, over and across the following-described land.

A strip of land in Lot 5, Section 24, Township 108 North, Range 73 West of the Fifth Principal Meridian, Hughes County, South Dakota, said strip being more particularly described as follows:

A strip of land 150 feet wide lying westerly of a diagonal line extending from a point 975 feet southerly of the Northeast corner of said Lot 5 to a point on the North line of Lot 4, Section 24, Township 108 North, Range 73 West, said point being 150 feet westerly of the Northwest corner of said Lot 5; said strip being 75 feet on either side of the following-described line; beginning at a point on said diagonal line, which point is 438 feet West of the East line of said Lot 5, thence Southwesterly, at right angles to the said diagonal line, to the left bank of the Missouri River;

to prevent further claims to the United States of America, and its assigns, in which, the said land is said to all be referred to the above-described lands as adjacent, adjoining, and in charge of water or recession of the Mississippi River, and the said land is situated within the area to be reserved for the purpose of the said land, and the said land and Reservoir and the state of Mississippi.

Date: 5/27 at Wichita, Kan.

Martin Houston
Martin Houston

Grace Houston

STATE OF NEW YORK)
County of _____) ss.
JULY 1, 1968

On this 10 Black day of May, 1962, before me, James P. Jones, the undersigned officer, personally appeared Barth James and wife, known to me or satisfactorily proved to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes contained therein.

In witness whereof

My commission expires:

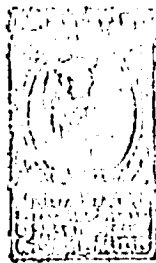
[Signature]

Notary Public

AGNES PHIPPS, Notary Public

My Commission Expires

February 1, 1925



31905

STATE OF SOUTH DAKOTA
County Minnehaha
I hereby certify that the within instrument
was filed in this office on the 21st day
of June A.D. 1924 at 5:30 o'clock
P.M.
Wm. C. Phillips
County Clerk

Recorded by 10
Compared by 10
Indexed by 10
G
M
D

Permit No. 688-3
MISSOURI
 Water Division No. 3 RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

19____, I have this day made a thorough examination of the diversion works constructed by _____

MARTIN & GRACE HOUSTON, of HAROLD

HUGHES County, South Dakota, holder of Permit No. 688-3, issued

upon Application No. 688-3, bearing date of priority of FEBRUARY 4, 1960, authorizing the

diversion of 688.3 cu. ft. per second of the waters of MISSOURI RIVER for IRRIGATION

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 12" BERKELEY PUMP MODEL # B8G OM,
POWERED BY INTERNATIONAL HARVESTER MOTOR, MODEL
UDB17, RATED @ 450 HP 3800' OF 12" BURIED STEEL
& TRANSITE PIPE. 1080' OF 12" GATED PIPE & 5280'
OF 10" GATED PIPE - BOTH 40" GATES.

and the system is in the following condition: EXCELLENT

The point of diversion is located S 13° 30' W, 196 rods FROM THE
E 1/4 CORNER, SECTION 31, T108N, R73W

The works are capable of diverting and conveying to the place of use 7.7 cu. ft. per second of water,
 which is to be used for IRRIGATION

The legal sub-divisions to be irrigated are: T108N, R73W: SW 1/4 SEC 32 - 120 AC;
SEC 31; SE 1/4 NE 1/4 - 40 AC.; SE 1/4 160 AC.; NE 1/4 SW 1/4 40 AC.;
LOT 3; 39.5 AC.; LOT 4, 6.5 AC.; LOT 5, 20 AC. MWD
LOT 5, SEC 36, T108N, R74W 32.5 AC.

comprising a total of 458.5 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 18TH day of JULY, A.D. 1966

—SEAL—

Auston J. [Signature]
 Examining Engineer
 OFFICER

Form 20.

No. 688-3

NOTICE OF TRANSFER OF WATER PERMIT

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

Date 3-10-75

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

Portions of Sections 31 and 32, T108N, R73W and Section 36, T108N,
R74W, described in Water License No. 688-3

formerly owned by Martin and Grace Houston, Harrold

has been transferred to Jack Martin, Harrold

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 688-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of ~~Water Resources Commission~~ as evidence of the change of ownership.

WATER RIGHTS COMMISSION

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0150 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of Hyndes) ss.

I, Jack Martin being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Jack Martin
(Signed)

Suscribed and sworn to before me this 10 day of March, 1975

W. M. Martin
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 5636

PIERRE, March 11, 1977

RECEIVED OF Jack Martin
the following amount in fees for services rendered as provided for by law:

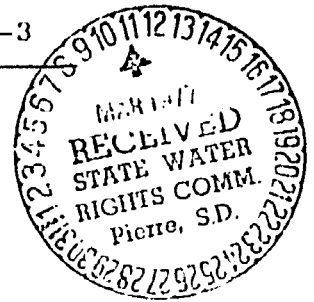
Fee for Application for Permit to appropriate Water No. <u>800</u> (examination, processing, recording and filing) -----		
Fee for inspecting Construction, and issuing Cert. of Construction No. -----		
Fee for inspecting Beneficial Use, and issuing Water License No. -----		
Fee for issuing Location Certificate-Dry Draw, No. -----	1	00
Fee for filing <u>Notice of Transfer No. 688-3</u> -----		
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	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH r.f

Form 20.

No. 688-3



NOTICE OF TRANSFER OF WATER PERMIT

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

Date March 10, 1982

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

irrigation 458.5 acres in portions of Section 31, and 32, T108N.
73W and Section 36, T108N, R74W

formerly owned by Jack Martin, Ft. Pierre, S.D.
has been transferred to A.M. Farms Inc., Luvern Miller, R.R.
Watertown, S.D.
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 688-3 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
Hughes) ss.
County of _____)

I, Jack Martin being first duly sworn on my oath despose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Jack Martin
(Signed)

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

19 77.

My commission
expires Jan. 10, 1982

Ronald D. Hagga
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7724

PIERRE, _____ October _____ 19 89

RECEIVED OF _____ James H. Rogers, Pierre, SD
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. _____		
Fee for Inspecting Beneficial Use, and Issuing Water License No. _____		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for the _____ transfer of Water Rights No. 638-5	2	50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL		2 50

WATER RIGHTS COMMISSION

By _____
Chief Engineer, Executive Officer
JOHN HATCH CRY



NO. 688-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: October 8, 1980

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

458.5 acres in portions of Sec. 31 and 32, T108N, R73W and Lot 5, Sec. 36, T108N, R74W

formerly owned by A M Farms Inc.

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

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 688-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Hughes) ss.

I, James H. Bowers being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

BOWERS DISTILLERY, INC.
BY James H. Bowers, Jr.
(Signed)

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

Betty Westlund DWR
(Notary Public)
Water Rights Specialist

Division of Water Rights (605) 773-3352

November 24, 1980

Corps of Engineers
Box 670
Pierre, SD 57501

Dear Sirs:

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

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

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

Sincerely,

GENNY YOUNG
Staff Assistant

gy

encl

South Dakota Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
(605) 773-3352

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

April 22, 1981

Don Smith
106 W. Capitol
Pierre, SD 57501

Dear Mr. Smith:

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

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

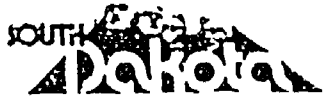
If you desire further information feel free to contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW/bt

Equal Opportunity Employer



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

April 14, 1989

Kent Bowers
Bowers Distillery
611 North VanBuren
Pierre, SD 57501

Dear Mr. Bowers:

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

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

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

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

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



April 14, 1989
Bowers
page 2

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

For each of the 3 pump stations:

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

For each of the 25 center pivots:

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

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

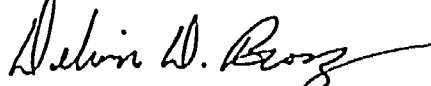
all pivots except #21 & #18: Electrogator
pivot # 21: Zimmatic
pivot # 18: Olson.

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

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

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

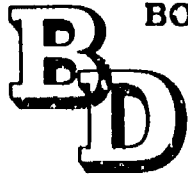
Very truly yours,



DELVIN D. BROSZ, P.E.
Hydrologist III

for

JOHN HATCH, Chief Engineer
Water Rights Division



BOWERS DISTILLERY, INC.

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



May 11, 1989

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

Dear Mr. Hatch:

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

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

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

Sincerely,

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

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**Department of
Water & Natural Resources**

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

May 16, 1989

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

Dear Mr. Bowers:

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

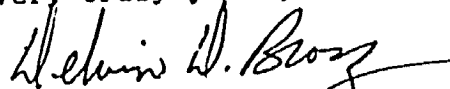
Pursuant to ARSD 74:02:09:16, the Chief Engineer may grant a variance from the requirements found in the chemigation rules if the alternate equipment or arrangement will provide equivalent protection to ground and surface water.

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

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

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

Very truly yours,



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



6-13-3



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

BOWERS DISTILLERY INC
611 N. VAN BUREN
PIERRE SD 57501

NOTICE

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

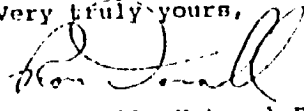
The first notice to file chemigation report(s) for Permit No(s) 688-3; 2303-3; 2376-3; & 4559-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 688-3; 2376-3; & 4559-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

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

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

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

Very truly yours,


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

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



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.

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

NOTE: If the chemigation report(s) is(ar) 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:

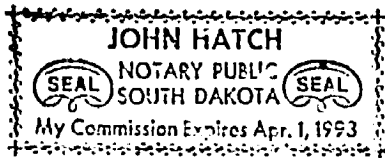
Kent Bowers, 207 Lakeside Lane, Pierre, SD 57501.

Chapt. 4. heart

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



John H. Tate
Notary Public



6.11.3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 1992

KENT BOWERS
BOWERS DISTILLERY INC
207 LAKESIDE LANE
PIERRE SD 57501

Dear Mr. BOWERS:

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

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

Sincerely,

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

DON FRYE, Natural Resources Analyst
Water Rights Division



688-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 15 1992

4559-3

Bowers Distillery
611 N. Van Buren
Pierre, SD 57501

Dear Sirs:

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

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

Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Right No. 688-3, and Water Permit No. 2303-3 and 2376-3 are incorporated into this Water License No. 4559-3.