

WATER PERMIT NO. 7256-3

Name of Applicant: **Bowers Distillery Inc.**

Address: **PO Box 338, Pierre SD 57501**

Phone:

Amount of Water Claimed: **no add'l**

Total Acres: **145**

Source of Water Supply: **Missouri River**

Water to be used for: **irrigation**

County: **Hughes**

Type of Waste Disposal System: **na**

Location: **40 miles southeast of Pierre**

PRIORITY

Date Received: **6-7-2011**

Application/License Fee: **\$1050**

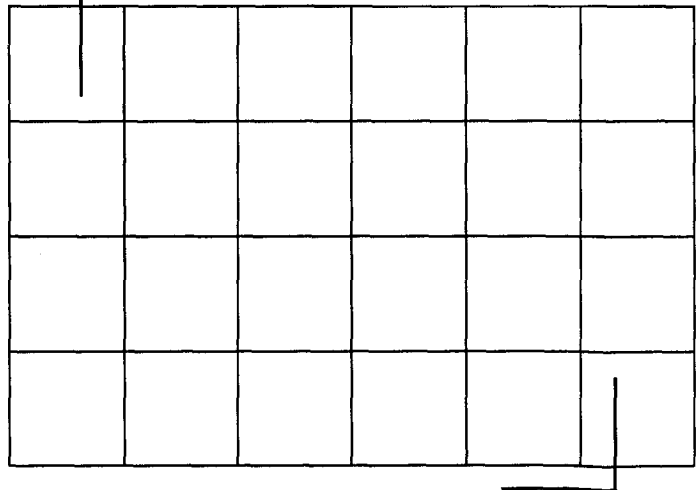
Corrected Application Received:

Period of Annual Use: **April 1 – October 31**

Remarks: **Utilizing diversion points authorized by Water Right No. 4559-3**

Diversion Point: **SE ¼ NE ¼ Sec 35 and NW ¼ SE ¼ Sec 36; all in T108N-R74W and NE ¼ NE ¼ Sec 6-T107N-R73W**

Land to be Irrigated: **NW ¼, NE ¼ SW 1/4, NW ¼ SE ¼, SW ¼ NE ¼, Sec 19 and SW ¼ SW ¼ Sec 6 all in T107N-R73W**



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **6-8-11**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7256-3</u>	(office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Capitol Journal PO Box 878</u>	
	<u>605-224-7301</u>	<u>Pierre 57501</u>

RECEIVED

JUN - 7 2011

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

addition acreage to Water Right No. 4559-3 with no increase in the diversion rate authority.

1. Name of Applicant Bowers Distillery Inc Phone 224-6098
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address PO Box 338 Pierre SD 57501
(Address) (City) (State) (Zip Code)

2. Amount of water claimed no addl *CFS or ***GPM ***AF Total Acreage 145
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri River4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hughes

Pump 1 - SE 1/4 NE 1/4 Section 35, T108N, R74W, Pump 2 NW 1/4 SE 1/4 (Lot 4) Section 36, T108N, R74W, Pump 3 - NE 1/4 NE 1/4 Section 6, T107N, R73W

5. County or counties where water will be used Hughes6. Annual period during which water is to be used April 1 thru October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 SW 1/4 Section 19, T108N, R73W	4	SW 1/4 NE 1/4 Section 19, T108N, R73W	11
NW 1/4 SE 1/4 Section 19, T108N, R73W	5	NE 1/4 NW 1/4 Section 19, T108N, R73W	9
SW 1/4 NW 1/4 Section 19, T108N, R73W	38	SE 1/4 NW 1/4 Section 19, T108N, R73W	6
NW 1/4 NW 1/4 Section 19, T108N, R73W	39	SW 1/4 SW 1/4 Section 18, T108N, R73W	10

8. Give a description of the project. (Attach sheet if more space is needed)

SW 1/4 NE 1/4 Section 19, T108N, R73W - 23 acres

Application for additional acres to WR No. 4559-3 for pivots designated as pivot Nos. 27 and 28. Will not increase diversion rate authority. E 1/2 of Pivot 27 is owned by the St. Johns family.

STATE OF SOUTH DAKOTA)
County of Hughes) SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, Kent A. Bowers, President, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Kent A. BowersSubscribed and sworn to before me this 1st day of June 20 11

Sandra Mae Bowers
Notary Public signature

May 4, 2013

**SOUTH DAKOTA
WATER PERMIT NO. 7256-3**

Date of first receipt of application June 7, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7256-3 to Bowers Distillery Inc., c/o Kent Bowers, PO Box 338, Pierre SD 57501 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7256-3 authorizes irrigation of 145 additional acres. Water Right No. 4559-3 appropriates 45.79 cubic feet of water per second from the Missouri River located in SE 1/4 NE 1/4 Section 35, NW 1/4 SE 1/4 Section 36; all in T108N-R74W and NE 1/4 NE 1/4 Section 6-T107N-R73W for irrigation of 3311 acres. This permit authorizes irrigation of 145 additional acres located in the NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4 Section 19 and SW 1/4 SW 1/4 Section 18; all in T108N-R73W from the existing Missouri River diversion points. This permit does not authorize any increase in the developed diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is June 7, 2011.
4. The date of approval of Permit No. 7256-3 is August 29, 2011.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

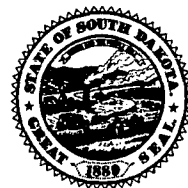
WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 20 2011

date



Water Permit Application filed by Bowers Distillery for Additional Acres



0 500 1,000 2,000 3,000 4,000 Feet



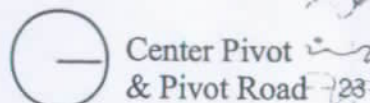
new acreage



new acreage

Eric Gronlund
Eric Gronlund, PE
Water Rights Program, DENR

BOWERS DISTILLERY, INC.



INITIALS _____

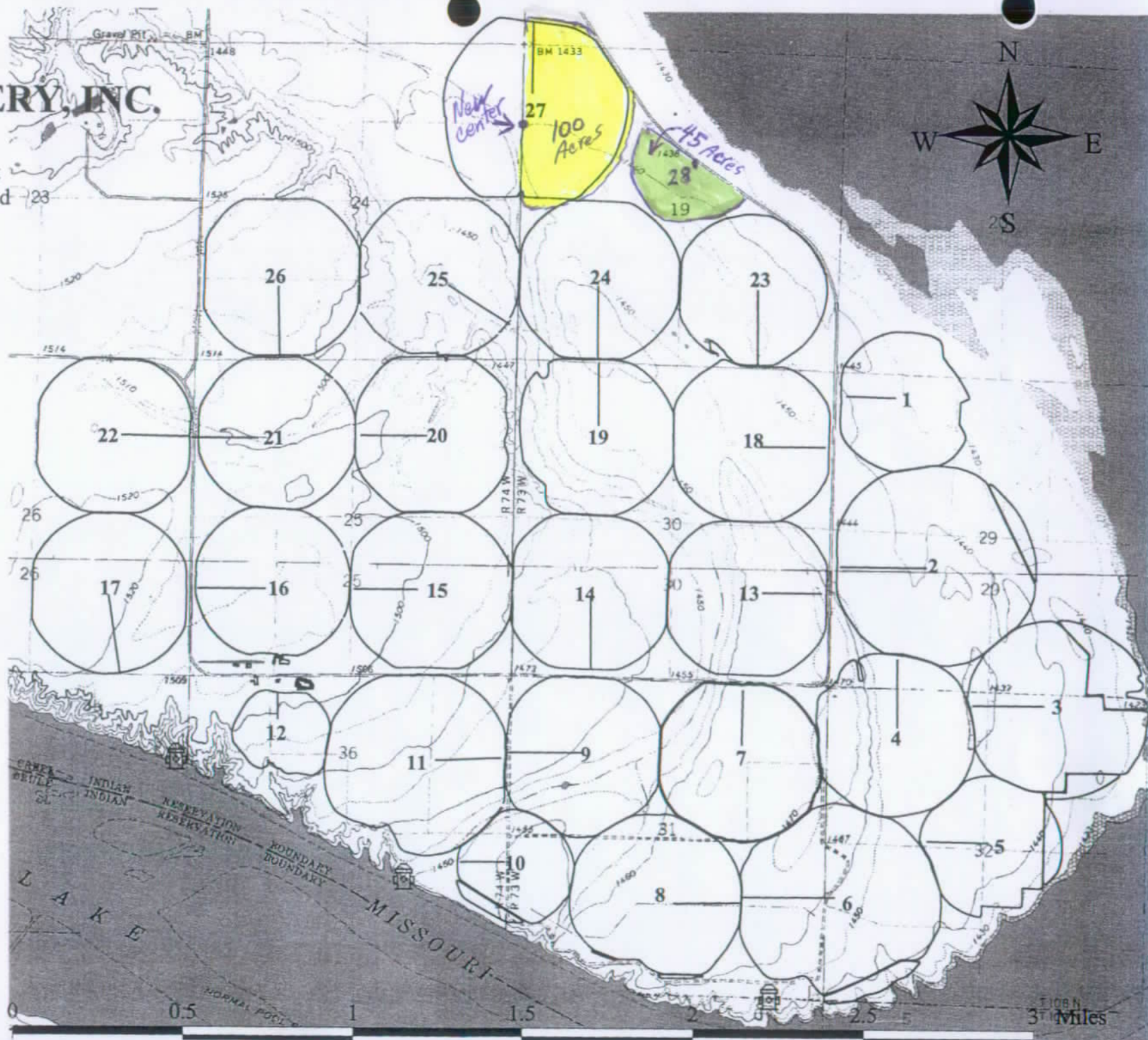
DATE _____

TIME _____

RECEIVED

JUN - 7 2011

WATER RIGHTS
PROGRAM



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/7, 20 11

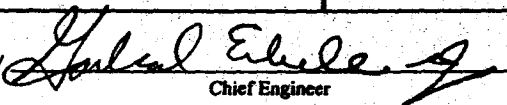
RECEIVED OF Bowers Distillery Ince PO Box 338 Pierre SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	850	00
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. _____	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. **04990**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7256-3, Bowers Distillery Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7256-3, Bowers Distillery Inc., c/o Kent A Bowers, PO Box 338, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 7256-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest with the following qualification:

1. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 2, 2011

REPORT ON WATER PERMIT APPLICATION NO. 7256-3

Bowers Distillery Inc.

July 20, 2011

Application No. 7256-3 is a request to irrigate 145 additional acres from existing irrigation authorized by Water Right No. 4559-3. Water Right No. 4559-3 appropriates 45.79 cubic feet of water per second from the natural flows of the Missouri River located in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36; all in T108N-R74W and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6-T107N-R73W for irrigation of 3311 acres. This application proposes to irrigate 145 additional acres located in the NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18; all in T108N-R73W from the existing Missouri River diversion points. This application does not request any increase in the developed diversion rate. The project is located approximately 40 miles SE of Pierre SD in Hughes County.

Review of the Water Source

The water source for this application is the Missouri River impounded on Lake Sharpe behind Big Bend Dam. The U.S. Army Corps of Engineers (USACE) constructed Big Bend Dam in the early 1960's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams; Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point; are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included. Specifically Lake Sharpe Reservoir impounds approximately 1.7 million acre-feet of water (MAF) with normal operations. Water availability is not a concern when using the natural flows of the Missouri River as a source.

Review of the Proposed Project and Existing Water Rights

There are 261 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1270.46 cfs. Since water availability is not an issue, approval of this permit would not adversely affect these existing water rights.

Conclusions

1. This application proposes to appropriate 145 additional acres for existing irrigation authorized by Water Right No. 4559-3.
2. Water Right No. 4559-3 appropriates 45.79 cubic feet of water per second from existing Missouri River diversion points.
3. This application, if approved, does not authorize any increase in the developed diversion rate.



Mark D. Rath
Natural Resources Engineer III

RECEIVED

AUG 30 2011

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, Marylinn Baker

certify that the attached printed Notice was
taken

from the Capital
Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

August 10, 2011

August 17, 2011

Cost of Printing \$61.62

Marylinn Baker
(Signature)

Bookkeeper
(Title)

8-26-11
(Date Signed)

Public Notice

ested in opposing
or supporting this
application or recom-
mendation
must file a written
petition with
BOTH the appli-
cant and Chief En-
gineer. The appli-
cant must file a
petition if contest-
ing the Chief Engi-
neer's recommen-
dation. The Chief
Engineer's ad-
dress is "Water
Rights Program,
Foss Building, 523
E Capitol, Pierre
SD 57501 (605
773-3352)" and
the applicant's
mailing address is
given above. A
petition filed by ei-
ther an interested
person or the appli-
cant must be
filed by August 29,
2011.

The petition may
be informal, but
must include a
statement describ-
ing the petitioner's
interest in the ap-
plication, the peti-
tioner's reasons
for opposing or
supporting the ap-
plication, and the
signature and
mailing address of
the petitioner or
the petitioner's le-
gal counsel. If le-
gal counsel is ob-
tained. Contact
Eric Gronlund at
the above Water
Rights Program
address to request
copies of informa-
tion pertaining to
this application.

NOTICE OF
APPLICATION
NO. 7256-3 to
Appropriate
Water

Notice is given
that Bowers Distrik-
ery Inc., c/o Kent
A Bowers, PO Box
338, Pierre SD
57501 has filed an
application for a
water permit to irri-
gate 145 addi-
tional acres. Wa-
ter Right No.
4559-3 appropri-
ates 45.79 cubic
feet of water per
second from the
Missouri River lo-
cated in SE 1/4
NE 1/4 Section
35, NW 1/4 NE
1/4 Section 36; all
in T108N-R74W
and NE 1/4 NE
1/4 Section
6-T107N-R73W
for irrigation of
3311 acres. This
application pro-
poses to irrigate
145 additional
acres located in
the NW 1/4, NE
1/4 SW 1/4, NW
1/4 SE 1/4, SW
1/4 NE 1/4 Sec-
tion 19 and SW
1/4 SW 1/4 Sec-
tion 18; all in
T108N-R73W
from the existing
Missouri River di-
version points.
This application, if
approved, does
not authorize any
increase in the de-
veloped diversion
rate.

Pursuant to
SDCL 46-2A-2,
the Chief Engineer
recommends AP-
PROVAL of Appli-
cation No. 7256-3
because 1) unap-
propriated water is
available, 2) exist-
ing rights will not
be unlawfully im-
paired, 3) it is a
beneficial use of
water, and 4) it is
in the public inter-
est. In accordance
with SDCL
46-2A-23, the
Chief Engineer will
act on this appli-
cation, as recom-
mended, unless a
petition is filed op-
posing the appli-
cation or the appli-
cant files a petition
contesting the
Chief Engineer's
recommendation.
If a petition oppos-
ing the application
or contesting the
recommendation
is filed, then a
hearing will be
scheduled and the
Water Manage-
ment Board will
consider this ap-
plication. Notice
of the hearing will
be given to the ap-
plicant and any
person filing a pe-
tition.
Any person inter-

Steven M. Pinner,
Secretary,
Department of
Environment
and Natural
Resources.

Published twice
at the total ap-
proximate cost of
\$61.62.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 3, 2011

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7256-3 to Appropriate Water to be published twice. Please publish the first notice on August 10, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Bowers Distillery, c/o Kent Bowers, PO Box 338, Pierre SD 57501 (Ph # 605-224-6098).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 7256-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of August 3, 2011 enclosing Notice to Appropriate Water by Application No. 7256-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

August 3, 2011

Bowers Distillery
Kent Bowers
PO Box 338
Pierre SD 57501

Dear Mr. Bowers:

Water Permit Application No. 7256-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Capital Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on August 16, 2011 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7256-3 to Appropriate Water

Notice is given that Bowers Distillery Inc., c/o Kent A Bowers, PO Box 338, Pierre SD 57501 has filed an application for a water permit to irrigate 145 additional acres. Water Right No. 4559-3 appropriates 45.79 cubic feet of water per second from the Missouri River located in SE ¼ NE ¼ Section 35, NW ¼ NE ¼ Section 36; all in T108N-R74W and NE ¼ NE ¼ Section 6-T107N-R73W for irrigation of 3311 acres. This application proposes to irrigate 145 additional acres located in the NW ¼, NE ¼ SW ¼, NW ¼ SE ¼, SW ¼ NE ¼ Section 19 and SW ¼ SW ¼ Section 18; all in T108N-R73W from the existing Missouri River diversion points. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7256-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 29, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 2011

Bowers Distillery Inc
Kent Bowers
PO Box 338
Pierre SD 57501

Dear Mr. Bowers:

Enclosed is Water Permit No. 7256-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

7256-3
RECEIVED

OCT 24 2011

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date

10/17/2011

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Bowers Distillery, Inc. / Kent Bowers
(name)P.O. Box 338
(address)Pierre, SD 57501
(city, state, zip)605-222-9662
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7256-3 states that the water use system is to be constructed by

N/A

(date)

, and water is to be put to beneficial use by

N/A

(date)

The water use system was completed on 6/7/2011

(date)

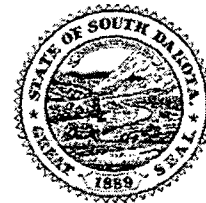
Applying the water to beneficial use was completed on 10/17/2011

(date)

You may schedule an investigation so that the water license may be issued.

Kent A. Bowers, Pres.
(signature)
Bowers Distillery, Inc.

7-98





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



July 24, 2014

7256-3

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

Dear Mr. Bowers:

I am writing in regard to your Water Permit No. 7256-3. The water permit authorizes diversion of water from the Missouri River for irrigation of 145 acres in Section 19, T108N, R73W. In reviewing your 2013 irrigation questionnaire, we found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Permit No. 7256-3 allows you to use up to two acre-feet (24 inches) of water per acre each year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 145 acres irrigated (two separate pivots)
- Reported water use – 502 acre feet of water (roughly equates to 41.5 inches)
- Authorized 290 acre feet of water (145 acres x 2 acre feet per acre)

We realize that in any given year, water use may be more or less depending on climatic conditions. It is very rare that irrigators come close to the 24 inches per acre authorized. Typically that number is more around 8 to 12 inches per acre. Many times irrigators do not keep track of the days or hours actually pumped and estimate numbers for the questionnaires in an effort to get them completed and back in on time. While we appreciate returning the forms in a timely manner each year, we need the forms to reflect as accurate information as possible to ensure everyone is using only that amount of water appropriated to them.

The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine if an aquifer or stream may or may not be nearing full appropriation. Granted, the Missouri River certainly has an ample water supply however the data obtained is still used to develop a year of record from the source.

If you do indeed apply that much water, you are exceeding the limits of your water permit and need to be cutting back to within the authorized use. If you estimated your water use and have not kept track of days irrigated and water used, please ensure the information reported each year is as accurate as possible. As stated before, the information you provide is very valuable to us. If you have any questions, please contact me at 605 773-3352.

Sincerely,

Genny McMath
Water Rights Program

McMath, Genny

From: Kent Bowers <kent@bpro.com>
Sent: Monday, July 28, 2014 9:07 PM
To: McMath, Genny
Cc: Ann Propst
Subject: My Mistake

Hi Genny:

Thanks for the letter about exceeding the water usage on the 145 acres Water Usage Questionnaire. You were correct in your assumption that I completed the report incorrectly. Neither pivot uses close to 800 gpm. A average 135 acre pivot at Bowers Distillery uses 800 gpm. The 100 acre pivot and the 45 acre pivot use a smaller proportional amount. I will be more careful next year on the report.

Regards,

Kent Bowers, President
Bowers Distillery, Inc.
605-222-9662

Water Permit No. 7256-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, May 4, 2016, made a thorough examination of the water use system constructed by Bowers Distillery Inc of PO Box 338, Pierre, SD 57501 holder of Permit No. 7256-3, bearing the priority of June 7, 2011 authorizing the diversion of No Add'l water from the Missouri River for Irrigation purposes, in Hughes County.

Inspection contact & relationship **Kent Bowers (222-9662, cell)**
to permit holder, if applicable:

A. Works used to divert the water:

Water is diverted from the Missouri River from Pump Station No. 3 as listed in Water Right No. 4559-3 for irrigation of the 145 acres authorized by this permit.

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

- 1) Type Steel and PVC pipe 2) Size Various diameter 3) Length Approx. 3 miles

C. Works used to apply water to beneficial use:

Center pivot #27:

- 1) Make Reinke
- 2) Number of towers 10
- 3) End gun Y
- 4) High or low pressure Low
- 5) Capacity 700 GPM

Center pivot #28:

- 1) Make Reinke
- 2) Number of towers 7
- 3) End gun Y
- 4) High or low pressure Low
- 5) Capacity 800 GPM

Chemigation Equipment for Both Pivot Systems:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Y
- 6) Interlock type electrical
- 7) Injection check valve Y
- 8) Injection line check valve or positive displacement pump Y

- 9) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 315 feet south and 740 feet west of the NE corner of Section 6-T107N-R73W

(N 44.10432, W -99.64980) (NE ¼ NE ¼)

The irrigation systems authorized by this permit are capable of delivering 3.34 cfs of water which is to be used for Irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 19-T108N-R73W

NW ¼ NW ¼ - 39 acres

NE ¼ NW ¼ - 5 acres

SW ¼ NW ¼ - 38 acres

SE ¼ NW ¼ - 29 acres

NW ¼ SW ¼ - 5 acres

NE ¼ SW ¼ - 6 acres

SW ¼ NE ¼ - 10 acres

NW ¼ SE ¼ - 5 acres

Section 18-T108N-R73W

SW ¼ SW ¼ - 8 acres

comprising a total of 145 acres of land. See comments below for incorporation of licenses.

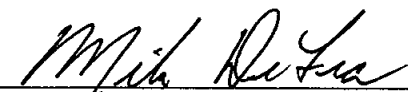
All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

Water Permit No. 7256-3 authorizes the irrigation of 145 additional acres utilizing the diversion points authorized by Water Right No. 4559-3. No additional water is authorized.

Water Right No. 4559-3 authorizes the diversion of 45.79 cfs of Missouri River water for irrigation of 3,311 acres in Hughes County. Water Permit No. 7256-3 should be incorporated into Water Right No. 4559-3 while each retaining their priority dates. The incorporated permit will authorize a diversion rate of 45.79 cfs for irrigation of 3,456 total acres authorized by these two permits.

Water Permit No. 7256-3 and Water Right No. 4559-3, both authorize irrigation of portions of land leased by the permit holder from other landowners or administered by the BIA.



Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: May 16, 2016

Bowers Distillery, Inc

Water Permit No. 7256-3

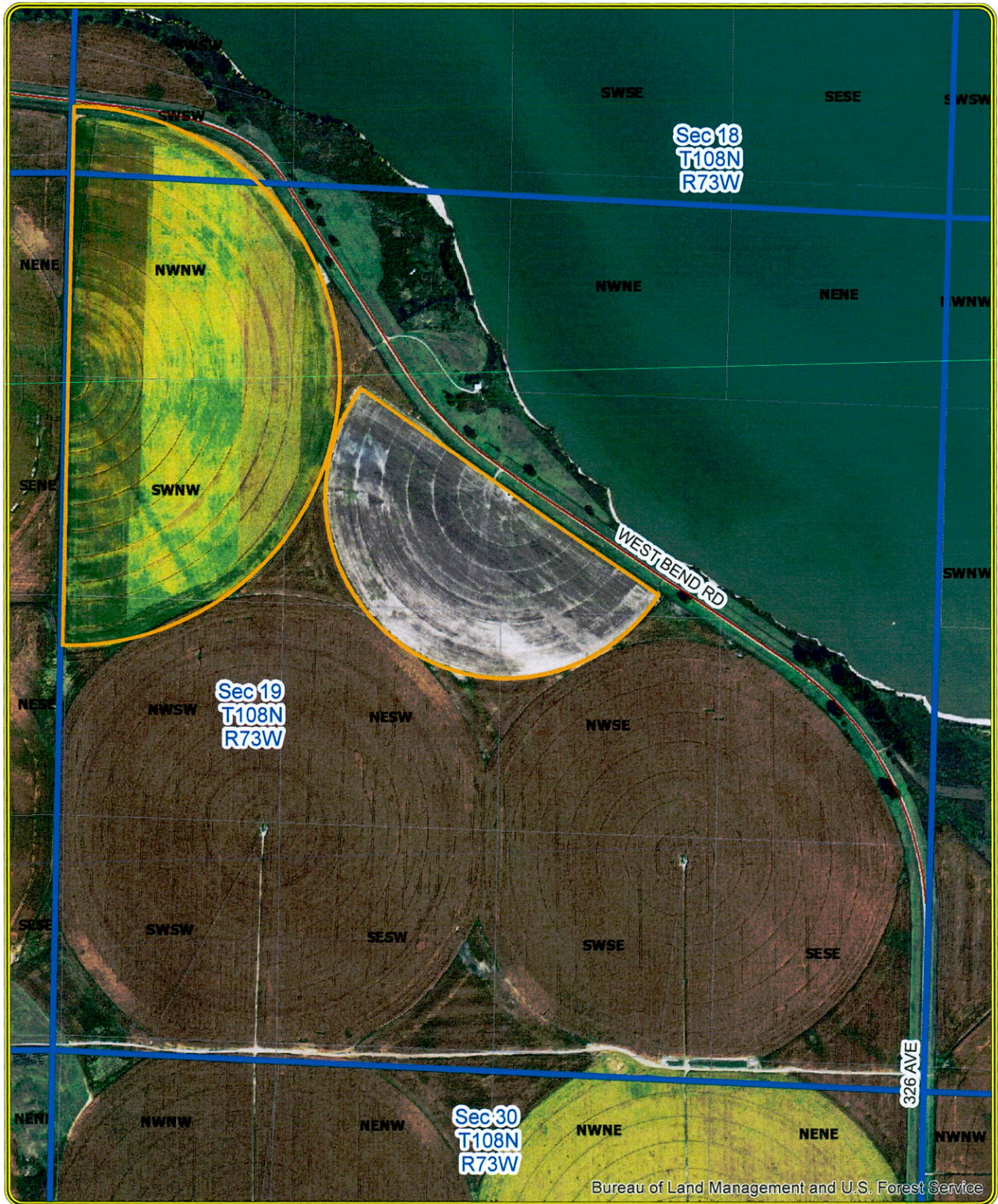


Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
May 17, 2016

Bowers Distillery, Inc

Water Permit No. 7256-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
May 17, 2016



Licensing of Acreage Outside of Permitted Area

NAME: Bowers Distillery, Inc

ADDRESS: PO Box 338, Pierre, SD 57501

DATE: May 12, 2016 **COUNTY:** Hughes **TELEPHONE:** 222-9662 (cell)

AUTHORITY

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

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 145 acres as compared to 145 acres authorized by the permit. Water Permit No. 7256-3 authorizes 145 additional acres and does not authorize any increase in diversion rate.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The 5 acres located in the NW ¼ SW ¼ Section 19 are contiguous to the acres which were originally permitted in Section 18 and Section 19; all in T108N-R73E.

- **Owned by Same Property Owner**

The property is owned by the same property owner.

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

All acreage was developed prior to expiration date and was developed as part of the original project.

RECOMMENDED ACTION

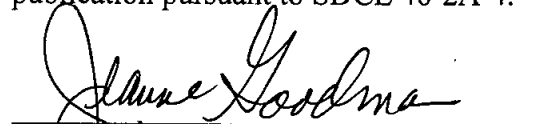
Based on the above criteria, it is recommended that the 5 acre area be included in the water license.



Mike DeFea, Natural Resources Engineer II
DENR, Water Rights Program

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

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



Jeanne Goodman, Chief Engineer
DENR, Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7256-3

(1) Bowers Distillery Inc., PO Box 338, Pierre SD 57501 made Application No. 7256-3, June 7, 2011 for a water permit to utilize existing diversion points from the Missouri River for irrigation of 145 additional acres (Pivot Nos. 27 & 28) located in Hughes County, South Dakota. Permit No. 7256-3, with a priority date of June 7, 2011 was approved August 29, 2011 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Right No. 4559-3 authorizes diversion of 45.79 cubic feet of water per second from the Missouri River for irrigation of 3,311 acres. Water Permit No. 7256-3 was obtained to cover additional acreage from the existing diversion points. No. 7256-3 did not authorize an increase in the developed diversion rate.

An investigation of the water use system developed under Water Permit No. 7256-3 found the acreage extended into the NW ¼ SW ¼ Section 19, T108N, R73W. The acreage is contiguous and within the 145 acres permitted. The Chief Engineer made a finding pursuant to SDCL 46-5-30.5 that the change in acreage does not impair existing water rights and the overall project as developed is consistent with the original application.

The applicable portions of Water Right No. 4559-3 are being incorporated into Water License No. 7256-3. Priority dates, as they pertain to the acreage irrigated are described in (3) of this license. The priority dates include those from prior water permits incorporated into No. 4559-3 as well as No. 7256-3.

- Acreage developed under No. 688-3 retains a priority date of February 4, 1960;
- Acreage developed under No. 2303-3 retains a priority date of June 20, 1975;
- Acreage developed under No. 2376-3 retains a priority date of October 10, 1975;
- Acreage developed under No. 4559-3 retains a priority date of October 13, 1980;
- Acreage developed under No. 7256-3 retains a priority date of June 7, 2011

(2) It is certified that the permit holder 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 on the Missouri River are:

- **Pump Station #1** – approximately 1,530 feet S and 115 feet W of the NW corner of Section 36, T108N, R74W (SE ¼ NE ¼ Section 35, T108N, R74W);
- **Pump Station #2** – approximately 1,190 feet E and 840 feet S of the center of Section 36, T108N, R74W (NW ¼ SE ¼ - Lot 4);
- **Pump Station #3** – approximately 315 feet S and 740 feet W of the NE corner of Section 6, T107N, R73W (NE ¼ NE ¼).

Water License No. 7256-3

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

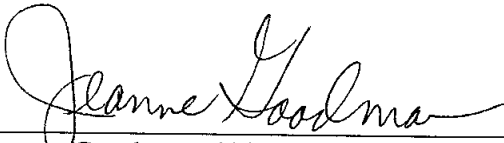
T108N, R74W	Section 24	NW ¼ SE ¼	34 acres	October 13, 1980 priority date
		NE ¼ SE ¼	34 acres	October 13, 1980 priority date
		SW ¼ SE ¼	34 acres	October 13, 1980 priority date
		SE ¼ SE ¼	34 acres	October 13, 1980 priority date
	Section 25	NW ¼ NW ¼	34 acres	October 10, 1975 priority date
		NE ¼ NW ¼	34 acres	October 10, 1975 priority date
		SW ¼ NW ¼	32 acres	October 10, 1975 priority date
		SE ¼ NW ¼	32 acres	October 10, 1975 priority date
		NW ¼ NE ¼	34 acres	October 13, 1980 priority date
		NE ¼ NE ¼	33 acres	October 13, 1980 priority date
		SW ¼ NE ¼	33 acres	October 13, 1980 priority date
		SE ¼ NE ¼	33 acres	October 13, 1980 priority date
		NW ¼ SW ¼	35 acres	October 10, 1975 priority date
		NE ¼ SW ¼	35 acres	October 10, 1975 priority date
		SW ¼ SW ¼	25 acres	October 10, 1975 priority date
		SE ¼ SW ¼	25 acres	October 10, 1975 priority date
		NW ¼ SE ¼	34 acres	October 10, 1975 priority date
		NE ¼ SE ¼	34 acres	October 10, 1975 priority date
		SW ¼ SE ¼	34 acres	October 10, 1975 priority date
		SE ¼ SE ¼	34 acres	October 10, 1975 priority date
	Section 26	NW ¼ NE ¼	33 acres	October 13, 1980 priority date
		NE ¼ NE ¼	33 acres	October 13, 1980 priority date
		SW ¼ NE ¼	33 acres	October 13, 1980 priority date
		SE ¼ NE ¼	33 acres	October 13, 1980 priority date
		NW ¼ SE ¼	34 acres	June 20, 1975 priority date
		NE ¼ SE ¼	32 acres	June 20, 1975 priority date
		SW ¼ SE ¼	34 acres	June 20, 1975 priority date
		SE ¼ SE ¼	32 acres	June 20, 1975 priority date
	Section 36	NW ¼ NW ¼	15 acres	June 20, 1975 priority date
		NE ¼ NW ¼	30 acres	June 20, 1975 priority date
		(Lot 1) SW ¼ NW ¼	2 acres	June 20, 1975 priority date
		(Lot 2) SE ¼ NW ¼	17 acres	June 20, 1975 priority date
		NW ¼ NE ¼	37 acres	June 20, 1975 priority date
		NE ¼ NE ¼	34 acres	June 20, 1975 priority date
		SW ¼ NE ¼	39 acres	June 20, 1975 priority date
		SE ¼ NE ¼	38 acres	June 20, 1975 priority date
		(Lot 4) NW ¼ SE ¼	3 acres	February 4, 1960 priority date
		(Lot 5) NE ¼ SE ¼	27 acres	February 4, 1960 priority date
T108N, R73W	Section 18	SW ¼ SW ¼	8 acres	June 7, 2011 priority date

T108N, R73W	Section 19	(Lot 3) NW ¼ SW ¼	39 acres	34 acres: October 13, 1980 5 acres: June 7, 2011 priority date
		NE ¼ SW ¼	40 acres	34 acres: October 13, 1980 6 acres: June 7, 2011 priority date
		(Lot 4) SW ¼ SW ¼	34 acres	October 13, 1980 priority date
		SE ¼ SW ¼	34 acres	October 13, 1980, priority date
		NW ¼ SE ¼	34 acres	29 acres: October 13, 1980 5 acres: June 7, 2011 priority date
		NE ¼ SE ¼	29 acres	October 13, 1980 priority date
		SW ¼ SE ¼	29 acres	October 13, 1980 priority date
		SE ¼ SE ¼	29 acres	October 13, 1980 priority date
		SW ¼ NE ¼	10 acres	June 7, 2011 priority date
		NW ¼ NW ¼	39 acres	June 7, 2011 priority date
		NE ¼ NW ¼	5 acres	June 7, 2011 priority date
		SW ¼ NW ¼	38 acres	June 7, 2011 priority date
		SE ¼ NW ¼	29 acres	June 7, 2011 priority date
	Section 20	SW ¼ SW ¼	16 acres	October 13, 1980 priority date
		SE ¼ SW ¼	10 acres	October 13, 1980 priority date
	Section 29	NW ¼ NW ¼	38 acres	October 13, 1980 priority date
		NE ¼ NW ¼	27 acres	October 13, 1980 priority date
		SW ¼ NW ¼	29 acres	October 13, 1980 priority date
		SE ¼ NW ¼	36 acres	October 13, 1980 priority date
		SW ¼ NE ¼	8 acres	October 13, 1980 priority date
		NW ¼ SW ¼	38 acres	October 13, 1980 priority date
		NE ¼ SW ¼	40 acres	October 13, 1980 priority date
		SW ¼ SW ¼	30 acres	October 13, 1980 priority date
		SE ¼ SW ¼	35 acres	October 13, 1980 priority date
		NW ¼ SE ¼	20 acres	October 13, 1980 priority date
		SW ¼ SE ¼	38 acres	October 13, 1980 priority date
		SE ¼ SE ¼	32 acres	October 13, 1980 priority date
	Section 30	(Lot 1) NW ¼ NW ¼	34 acres	October 13, 1980 priority date
		NE ¼ NW ¼	34 acres	October 13, 1980 priority date
		(Lot 2) SW ¼ NW ¼	28 acres	October 13, 1980 priority date
		SE ¼ NW ¼	34 acres	October 13, 1980 priority date
		NW ¼ NE ¼	34 acres	October 13, 1980 priority date
		NE ¼ NE ¼	34 acres	October 13, 1980 priority date
		SW ¼ NE ¼	34 acres	October 13, 1980 priority date
		SE ¼ NE ¼	34 acres	October 13, 1980 priority date
		(Lot 3) NW ¼ SW ¼	34 acres	October 13, 1980 priority date
		NE ¼ SW ¼	34 acres	October 13, 1980 priority date
		(Lot 4) SW ¼ SW ¼	34 acres	October 13, 1980 priority date
		SE ¼ SW ¼	34 acres	October 13, 1980 priority date

(4) Pursuant to South Dakota Water Law 46-5-30.1 Bowers Distillery, PO Box 338, Pierre SD 57501 the holder and/or owner of Incorporated Water Right No. 7256-3 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, October 13, 1980 and June 7, 2011 from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 7256-3 and subject to the following qualifications:

- This water right is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 29 2016

date



7256-3



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.