

## NOTICE OF APPLICATION NOS. 1937-1 and 1938-1 to Appropriate Water

Notice is given that Bragan LLC, c/o Larry Braun, PO Box 108, Warner SD 57479 has filed the following applications for a water permit.

Application No. 1937-1 proposes to appropriate 2.51 cubic feet of water per second (cfs) from the Missouri River located in the NW 1/4 SE 1/4 Section 36 for irrigation of 176 acres located in the W 1/2 SW 1/4 Section 25 and W 1/2 Section 36; all in T18N-R30E.

Application No. 1938-1 proposes to appropriate 7.85 cfs from the Missouri River to irrigate the land authorized by Water Right No. 1067-1 and new acres. Water Right No. 1067-1 appropriates 3.08 cfs from the Missouri River located in the NE 1/4 SW 1/4 Section 7 and SE 1/4 SW 1/4 Section 6; all in T17N-R31E to irrigate 216 acres located in SE 1/4 SE 1/4 Section 1, NE 1/4 NE 1/4 Section 12; all in T17N-R30E; S 1/2 SW 1/4 Section 6, NW 1/4 Section 7; all in T17N-R31E. This application serves to correct the one pump site in Section 6 to the NE 1/4 SW 1/4 Section 6-T17N-R31E. This application proposes to appropriate 7.85 cfs from the Missouri River located in the N 1/2 SE 1/4 Section 7-T17N-R31E and the W 1/2 NE 1/4 Section 1-T17N-R30E to irrigate 550 additional acres located in the E 1/2 W 1/2, E 1/2 NE 1/4, SE 1/4 Section 1, NE 1/4, NE 1/4 NW 1/4 Section 12; all in T17N-R30E and SW 1/4, W 1/2 SE 1/4, W 1/2 NE 1/4, NE 1/4 NW 1/4 Section 7; all in T17N-R31E. Diversions may be made from any combination of existing and proposed pumping points to acreage covered by this application and Water Right No. 1067-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1937-1 and 1938-1 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 July 1, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.