

NOTICE OF HEARING To Validate  
Vested Water Right Application No. 2705-2 to Appropriate Water

Notice is given that Sandra Huber and Karen Disney, Box 188, Martin SD 57551 have filed an application to validate a vested water right claim to impound 100 acre-feet of water from runoff into an existing dam located in the E 1/2 NE 1/4 Section 11-T38N-R35W known as the Scharmans Dam. Water is impounded in the E 1/2 NE 1/4, E 1/2 SE 1/4 Section 11 and the W 1/2 NW 1/4, W 1/2 SW 1/4 Section 12; all in T38N-R35W. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation and livestock water purposes with a claimed priority date of 1950.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2705-2 because 1) water has been appropriated as described for fish and wildlife propagation and livestock water use with a priority date of January 1, 1950, 2) the use has been developed without unlawful impairment of existing rights, 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 March 11, 2013.

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.