

## NOTICE OF APPLICATION NO. 3053A-3

Notice is given that Brett Binger, 38270 182<sup>nd</sup> St, Tulare SD 57476 has filed Application No. 3053A-3 which requests to amend Water Right No. 3053-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3053-3 appropriates 1.88 cubic feet of water per second from one well located in the center of the S 1/2 Section 19 to irrigate 152 acres located in the E 1/2 SW 1/4 and W 1/2 SE 1/4 Section 19; all in T115N-R64W. This application proposes to move the center pivot approximately 7 miles east and 1 1/2 miles south with the well to be located in the approximate center of the NW 1/4 Section 32 to irrigate 130 acres located in the NW 1/4 Section 32; all in T115N-R63W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3053A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 January 12, 2015.

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. Information concerning this application is available at <http://denr.sd.gov/public>. 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.