

## NOTICE OF APPLICATION NO. 7235A-3 to Appropriate Water

Notice is given that Jeb, Shane and Mitch Peterson, 39686 Hwy 28, Hitchcock SD 57348 have filed an application to amend Water Permit No. 7235-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 7235-3 appropriates 1.94 cubic feet of water per second from one well located in the center of the NE 1/4 Section 22 to irrigate 136 acres located in the NE 1/4 Section 22; all in T114N-R62W. This application proposes to move the center pivot approximately 1/2 mile southeast with the well to be located in the approximate center of the NW 1/4 Section 26 to irrigate 136 acres located in the NW 1/4 Section 26; all in T114N-R62W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. The Peterson's justification for this change is the current land is authorized for irrigation from the James River also. This transfer allows for the more efficient irrigation of land to provide optimum crop production.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7235A-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 June 3, 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.