

NOTICE OF APPLICATION NOS. 7711-3 and 7713-3 to Appropriate Water

Notice is given that Mike Chicoine, 508 E Clay St, Elk Point SD 57025 has filed the following applications for a water permit.

Application No. 7711-3 proposes to appropriate 1.67 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (143 feet deep) located in the NE 1/4 NE 1/4 Section 20 for irrigation of 115 acres located in the NE 1/4, NW 1/4 SE 1/4 Section 20; all in T91N-R50W.

Application No. 7713-3 proposes to appropriate 2.22 cfs from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4 Section 27 to irrigate 144.3 acres located in the E 1/2 NW 1/4 and the W 1/2 NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4, Lot A in SE 1/4 SW 1/4, Lot A in the SW 1/4 SE 1/4 and Chaussee Tract 1 Section 27; all in T91N-R50W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7711-3 and 7713-3 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 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 May 28, 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.