

## NOTICE OF APPLICATION NO. 7785-3 to Appropriate Water

Notice is given that Jerome Poeschl, 213 Katherine Way, Yankton SD 57078 has filed an application for a water permit to appropriate 0.92 cubic feet of water per second (cfs) and irrigate 35 new acres to what is currently authorized by Water Right No. 6954-3. Water Right No. 6954-3 appropriates 3.98 cfs from two wells to irrigate 304 acres located in the SW 1/4 SW 1/4 Section 5, SE 1/4 SE 1/4 Section 6, E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 7 and the NW 1/4, N 1/2 SW 1/4 and SW 1/4 SW 1/4 Section 8; all in T93N-R52W. This application proposes to appropriate an additional 0.92 cfs from the existing authorized well completed into the Missouri:Elk Point Aquifer (80 feet deep) located in the SE 1/4 NW 1/4 Section 8 for irrigation of 35 additional acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 8; all in T93N-R52W. 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 No. 7785-3 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 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 May 28, 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.