

NOTICE OF APPLICATION NO. 7795-3 to Appropriate Water

Notice is given that Richard J Dougherty, 301 S O'Connell St, Marshall MN 56258 has filed an application to appropriate water to irrigate 110 additional acres. Water Right No. 3922-3 appropriates 2.56 cubic feet of water per second from two wells completed into the Unnamed Creek management of the Big Sioux Aquifer (105 and 43 feet deep) located in the NW 1/4 NW 1/4 and the SE 1/4 NE 1/4 Section 27 for irrigation of 220 acres located in the N 1/2 Section 27; all in T112N-R49W. This application proposes to irrigate 110 additional acres located in the SE 1/4 Section 27 from the existing well located in the SE 1/4 NE 1/4 Section 27; all in T112N-R49W. This application, if approved, does not authorize any increase in the developed diversion rate authorized by Water Right No. 3922-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7795-3 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.