

NOTICE OF APPLICATION NO. 7837-3 to Appropriate Water

Notice is given that Alex A and Annie L Falk, 1411 N 4th St, Aberdeen SD 57401 have filed an application for a water permit to appropriate an additional 9.19 cubic feet of water per second (cfs) and irrigate 629 additional acres to what is currently authorized by Water Right No. 6165-3. Water Right No. 6165-3 authorizes 3.67 cfs from the Missouri River located in the NW 1/4 SW 1/4 Section 17 and a 120 acre-foot storage dam located in the NW 1/4 NE 1/4 Section 16; all in T109N-R75W. The irrigated acreage authorized by Water Right No. 6165-3 consists of four center pivots located in the SE 1/4 Section 9, S 1/2 Section 16 and the NE 1/4 Section 21; all in T109N, R75W. This application proposes to appropriate an additional 9.19 cfs utilizing the existing Missouri River diversion point location to irrigate 629 additional acres located in the E 1/2, E 1/2 SW 1/4 Section 9; E 1/2 NW 1/4, SW 1/4 NW 1/4, E 1/2, SW 1/4 Section 16; E 1/2 SE 1/4 Section 17; NE 1/4 Section 21; E 1/2 Section 20; all in T109N-R75W. Water Right No. 6165-3 and this application, if approved, will authorize a total diversion rate of 12.86 cfs and irrigation of 1,157 acres. Missouri River water may be diverted for direct application of the described land or to the storage dam prior to irrigating.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7837-3 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 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.