

NOTICE OF APPLICATION NOS. 7888-3, 7890-3, 7891-3 and 7892-3 to Appropriate Water

Notice is given that Arne Svarstad, 13797 392nd Ave, Aberdeen SD 57401 has filed applications for the following water permits.

Application No. 7888-3 proposes to appropriate 1.89 cubic feet of water per second (cfs) from the James River for irrigation of 156.7 acres. The primary river diversion point No. 1 is to be located in the SE 1/4 NE 1/4 Section 10 and secondary diversion point No. 2 is to be located in the SW 1/4 NE 1/4 Section 10 to irrigate 156.7 acres located in the NW 1/4 Section 10; all in T123N-R62W. Water will be either 1) directly applied from pump site No. 1 or No. 2 to the irrigated acres 2) diverted from pump site No. 1 to pump site No. 2 prior to being applied to the irrigated acres.

Application No. 7890-3 proposes to appropriate 1.91 cfs from the James River located between points in the SW 1/4 SE 1/4 Section 30 and the NW 1/4 NE 1/4 Section 31 for irrigation of 134 acres located in the SW 1/4 Section 30; all in T122N-R62W.

Application No. 7891-3 proposes to appropriate 1.91 cfs from the James River located between points in the NW 1/4 NW 1/4 Section 26 and the SE 1/4 NE 1/4 Section 27 to irrigate 134 acres located in the NE 1/4 Section 28; all in T123N-R62W.

Application No. 7892-3 proposes to appropriate 1.91 cfs from the James River located in the SE 1/4 NE 1/4 Section 29-T122N-R62W during normal flows and the NE 1/4 SW 1/4 Section 28-T122N-R62W during high flood flows to irrigate 134 acres located in the SW 1/4 Section 27-T122N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7888-3, 7890-3, 7891-3 and 7892-3 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 November 12, 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.