

## APPLICATION INSTRUCTIONS TO FILE A VESTED RIGHT CLAIM

If you need assistance with your application, please contact Eric Gronlund at (605) 773-3352 or by email at [eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us) or stop by our office in the lower level of the Foss Building, 523 E Capitol, Pierre SD. Please don't hesitate to ask for help! Additional information is available on the Water Rights Program website at <http://denr.sd.gov/wr>.

### **A completed application for a water permit must include the following information.**

1. **FORM 2.** Application for irrigation in South Dakota.

The applicant must be the property owner of the irrigated land or be authorized by the property owner to submit the application on the property owner's behalf.

2. **MAP.** An aerial photo from the Farm Services Agency is acceptable. However, a map with more detail may be requested if needed. The map should be no smaller than 8"x11" and show:

- a) The location of the diversion point (place where water is to be taken from) marked with an "X".
- b) An outline of the lands to be irrigated and names/addresses of any owners other than the applicant.
- c) A government section corner or quarter corner including a reference to section, township and range.

3. **FORM 2A.** One completed copy of Form 2A must be submitted with Form 2 if the diversion is from a well, dugout or storage dam.

If the diversion is from a well, please provide a copy of a well log if one is available.

If diversion is for a suburban housing development, trailer park, campground or any commercial use, complete the applicable portions of Form 2A regarding the wastewater disposal system.

Also, provide any supplemental plans or drawings for any storage reservoir. If the storage reservoir is 25 feet or more in height or impounds 50 acre-feet or more at the top of the dam, then the structure will need to comply with safety of dams requirements. Safety of dams requirements do not apply to structures if the height does not exceed 6 feet or if the storage capacity at the top of the dam does not exceed 15 acre-feet.

4. **FORM 2B.** Affidavit of Water Use (Supplemental to Form 2). This form will be used to establish a priority date for the vested right claim.

5. **FEE.** South Dakota statutes require a filing fee of \$50.00 for each application to file a vested right claim.

**The forms, map, fee and any other information for filing a vested right claim should be submitted to:**

Department of Environment and Natural Resources, Water Rights Program, 523 East Capitol Ave, Pierre, SD 57501-3182

6. **PUBLICATION.** Notice of an application must be published once in a daily newspaper and, in some cases, a weekly newspaper depending on the location of the proposed project. The publication notice will be sent to you and the newspaper(s) by the Water Rights Program. You will be responsible for contacting the newspaper(s) to authorize publication of the notice and to arrange for payment.

7. Upon satisfactory completion of the actions under items (1) through (6) and validation of the vested right claim, a water license will be issued. Issuance of a water license is the final action required to establish a vested water right.

**FORM 2: Application for irrigation in South Dakota**

(type or print)

Mail to:  DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182  ph. (605) 773-3352	(office use only ) No. _____ Hydrologic Unit _____  Basin _____  Newspaper _____
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## Application For Permit To Appropriate Water For Irrigation

**Type of Application:**     New                       **Vested Right**                       Amendment/Correction to Permit No. \_\_\_\_\_

(Use predates Mar 2, 1955)

**Description of amendment/correction:** (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Irrigation Permit \_\_\_\_\_

**Note:** The "Name to Appear on Irrigation Permit" must be the name in which the irrigated property is held in.

Mailing Address \_\_\_\_\_ (Address) \_\_\_\_\_ (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code)

Home Phone \_\_\_\_\_ Cell \_\_\_\_\_ Email \_\_\_\_\_

2. Amount of water claimed \_\_\_\_\_ \*CFS or \_\_\_\_\_ \*\*GPM \_\_\_\_\_ \*\*\*AF Total Acreage \_\_\_\_\_  
 (\*Cubic Feet per Second)    (\*\*Gallons per Minute)    (\*\*Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply \_\_\_\_\_

4. Location of point of diversion \_\_\_\_\_  
 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County \_\_\_\_\_

5. County or counties where water will be used \_\_\_\_\_

6. Annual period during which water is to be used \_\_\_\_\_

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.  
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres

8. Give a description of the project. (Attach sheet if more space is needed)

I, \_\_\_\_\_, the applicant, certify under  
Name of Person                      Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

**Affidavit of Water Use**

Form 2B

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit is needed to document historical water use, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System  
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) \_\_\_\_\_

Mailing Address \_\_\_\_\_  
(Address) (City) (State) (Zip Code)

A. Notice of Appropriation \_\_\_\_\_ Date of Posting \_\_\_\_\_

Date of Recording \_\_\_\_\_ Recording Date \_\_\_\_\_

B. Date of start of construction of water supply system \_\_\_\_\_

C. Date that water was first applied to beneficial use \_\_\_\_\_

D. Name of owner of original water supply system \_\_\_\_\_

E. Amount of water originally applied to beneficial use \_\_\_\_\_

F. Present use of water - amount of water now being used \_\_\_\_\_

Date that this water was first used \_\_\_\_\_

G. Chronological History of Water Use

I, \_\_\_\_\_ the applicant, certify that I have read the foregoing and that the matters therein are true.

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein are true.

\_\_\_\_\_, 20\_\_

\_\_\_\_\_, 20\_\_

# Supplemental Information

(type or print)

**1. Well Information** (check one or both as applicable)  Drilling new well(s)  Using existing well(s)

a) If new wells, how many \_\_\_\_ Have test holes been drilled  Yes  No Drilled by \_\_\_\_\_  
 (if yes, please provide copies of logs)

b) If existing wells, how many \_\_\_\_ Provide copy of log(s), if available. Drilled by \_\_\_\_\_

For either Existing or Proposed Wells:

c) Well Depth (**required**) \_\_\_\_ Depth to Top of Water Bearing Material \_\_\_\_ Depth to Water from Surface \_\_\_\_

d) Distance to nearest domestic well on applicant's property \_\_\_\_\_ Property owned by others \_\_\_\_\_

**2. Wastewater Disposal System Information**

a) Type of System (i.e. septic tank, drain field) \_\_\_\_\_

b) System Capacity (gallons ) \_\_\_\_\_ Year Constructed \_\_\_\_\_

c) Connected to the City of \_\_\_\_\_ Sanitary System

**3. Dugout Information**

a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_

b) Depth to water (ground surface to water level) \_\_\_\_\_

**4. Water Storage Dams**

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

e) Primary Outlet Capacity \_\_\_\_\_

If pipe, diameter \_\_\_\_\_

f) Secondary Spillway Capacity \_\_\_\_\_

Spillway Width \_\_\_\_\_

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

h) Surface Area of Impoundment \_\_\_\_\_

i) Storage \_\_\_\_\_ Acre Feet

j) Drainage Area Above Dam \_\_\_\_\_ Acres

