

South Dakota Water Right Permitting



Process

- Applicant files a complete water permit application; date of filing establishes priority date.
- DANR reviews application; within 60 days makes recommendation to approve, deny, or defer.
- DANR prepares and provides public notice for newspaper publication, which includes:
 - Recommendation of the Chief Engineer.
 - Directions for public to file petitions or comments² within ten days of publications.
 - Public notice may schedule hearing because of public interest or policy issues.
- For **approval** recommendations:
 - If no opposing petitions are filed, water permit is issued.
 - If opposing petitions are filed, hearing is scheduled before Water Management Board.
 - Any intervening party can request one automatic delay³ to prepare for hearing.
- For **denial** recommendations:
 - Applicant is informed prior to public notice and has 20 days to act.
 - If applicant does not contest the denial, application is withdrawn.
 - If applicant disagrees, a Board hearing is scheduled.
- For **deferral** recommendations:
 - Applicant is informed what additional study is needed.
 - Hearing is scheduled for Board to consider deferral.
- The Board can issue a decision at conclusion of hearing.
 - Board may require Findings of Fact, Conclusions of Law, and Final Decision.
 - Board adopts final decision at next meeting.
- Parties have 30 days to appeal decision to circuit court.
- If Board approves application and no appeal is filed, water permit is issued.

²Comments are filed for the Board but do not cause a hearing

³Minimum of 20 days or until next Board meeting

Permitting Times

Situation ¹	Minimum Time
Approval Recommendation, no opposition	3 months
Approval Recommendation, board hearing required	3-6 months
If opposed	6-9+ months
Approval recommendation, board hearing, decision appealed	Over 12 months
Deferral recommendation, board hearing, additional info required	6 to 12 + months
Denial recommendation, applicant does not contest, application withdrawn	3 months
Denial Recommendation, applicant requests a hearing	3-6 months

¹Based on complete application

Public Notice Information

- DANR prepares public notice and provides to newspaper(s).
- Applicant authorizes and pays for publication of notice.
- Cost of publication varies from \$50 to \$100 for each newspaper.
- Public notice appears once in each county where water is diverted or used.
- Notice must appear in at least one daily newspaper and on DANR website.