

APPLICATION INSTRUCTIONS TO FILE A VESTED RIGHT CLAIM

If you need assistance with your application, please contact Eric Gronlund at (605) 773-3352 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 vested right claim must include the following information.

1. A COPY OF FORM 2, Application to appropriate water in South Dakota.
2. A map, no smaller than 8"x11", showing:
 - a) The location of the diversion point (place where water is to be taken from) in relation to a government section corner or quarter corner by direction and distance.
 - b) If the diversion is from a reservoir, the location of the high water line and lands under water, with the names of the owner's (if other than the applicant) and the capacity of the reservoir at maximum pool elevation.
 - c) If the diversion is from a stream, the location and name of the stream.
 - d) The map must be signed by one of the following: registered land surveyor, registered professional engineer, or by any government employee (Natural Resources Conservation Service, Consolidated Farms Services Agency, etc.) who normally prepares maps as part of his assigned duties.
3. If diversion is from a well, dugout or storage dam, two completed copies of Form 2A must be submitted with Form 2. Also provide any supplemental plans or drawing for any storage reservoir.
4. ONE COMPLETED COPY OF 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. South Dakota statutes require a filing fee of \$50.00 for each application to file a vested right claim.

The forms, signed map, fees and any other pertinent information for filing a vested right claim should be submitted to: PMB 2020 Department of Environment and Natural Resources, Water Rights Program, 523 East Capitol Ave, Pierre, SD 57501-3182 Phone (605) 773-3352.

6. Notice of an application must be published in one local county newspaper for two successive weeks. The publication notice will be sent to the newspaper by the Water Rights Program. **THE COST OF PUBLICATION IS THE RESPONSIBILITY OF THE APPLICANT.**
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 uses other than irrigation

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

<input type="checkbox"/> Municipal	<input type="checkbox"/> Suburban Housing	<input type="checkbox"/> Recreational	<input type="checkbox"/> Institutional
<input type="checkbox"/> Rural Water System	<input type="checkbox"/> Commercial	<input type="checkbox"/> Fish & Wildlife	<input type="checkbox"/> Geothermal Heat
<input type="checkbox"/> Domestic (over 18 gpm)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Other _____	

Type of Application:

(check one)

New
 Vested Right (Use predates Mar 2, 1955)
 Future Use Reservation
 Place to Beneficial Use Water Reserved by Future Use Permit No. _____
 Amendment/Correction to Permit No. _____

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

1. Name of Applicant _____ Phone _____
(check one) Owner Tenant/lessee

Mailing Address _____
(Address) (City) (State) (Zip Code)

2. Amount of water claimed _____ *CFS or _____ **GPM _____ ***AF
(*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. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA)
County of _____) SS

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)

I, _____, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true.

Applicant's signature _____

Subscribed and sworn to before me this _____ day of _____ 20 _____

Notary Public signature

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

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)
SS

County of _____)

I, _____ the applicant, certify that I have read the foregoing and that
(print or type) the matters therein are true.

Signed _____

Subscribed and sworn to before me _____, 20____

Notary Public

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____
(Print Name)

_____, 20____
(Print Name)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
 - On applicant's property _____
 - On 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

