

## 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 vested right claim must include the following information.**

1. **FORM 2.** Application for uses other than irrigation.
2. **MAP.** 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) A government section corner or quarter corner including a reference to section, township and range.  
If needed, the chief engineer may request completion of a more detailed map in order to fully and clearly outline the content of the application.
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 water distribution system, 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 uses other than irrigation

(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 _____	

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

**Check use(s) of water:**

<input type="checkbox"/> Municipal	<input type="checkbox"/> Water Distribution System	<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
<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 to Appear on Water Permit \_\_\_\_\_

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

Phone \_\_\_\_\_ Mobile \_\_\_\_\_ Email \_\_\_\_\_

2. Amount of water claimed \_\_\_\_\_ \*CFS or \_\_\_\_\_ \*\*GPM and \_\_\_\_\_ \*\*\*AF or \_\_\_\_\_ Gallons  
Flow rate and volume are both required. (\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use)

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

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

If not a public water supply (e.g. municipal), will water be used outside of the area described above?  Yes  No

If "Yes," where will water be used? \_\_\_\_\_  
(example - NW1/4 section 12-T104N-R53W)

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)

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**

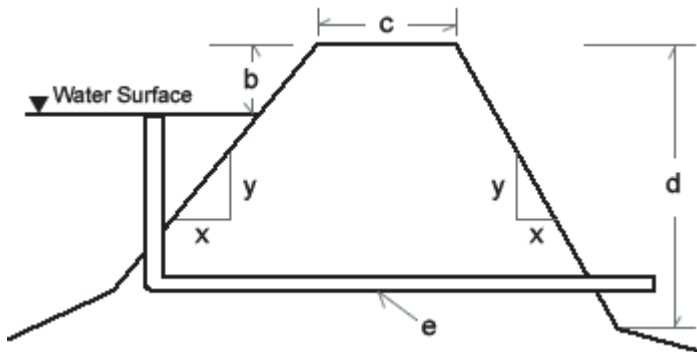
a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_

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