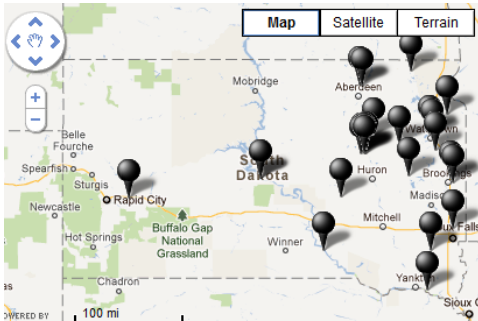


## ONLINE RESOURCES

### View a Map and the Publication Notice for Pending Water Right Applications

⇒ [denr.sd.gov/des/wr/pubnotice.aspx](http://denr.sd.gov/des/wr/pubnotice.aspx)



### Searchable Database of Active Water Rights in South Dakota

⇒ [denr.sd.gov/des/wr/dbwrsearch.aspx](http://denr.sd.gov/des/wr/dbwrsearch.aspx)

### Searchable Database of South Dakota Well Completion Reports (Logs)

⇒ [denr.sd.gov/des/wr/dblogsearch.aspx](http://denr.sd.gov/des/wr/dblogsearch.aspx)

### Interactive Map of South Dakota Lake Water Levels

⇒ [denr.sd.gov/des/wr/dblakesearch.aspx](http://denr.sd.gov/des/wr/dblakesearch.aspx)

### Interactive Map of South Dakota Observation Well Readings

⇒ [denr.sd.gov/des/wr/dbobsearch.aspx](http://denr.sd.gov/des/wr/dbobsearch.aspx)

## FOR MORE INFORMATION

### History of SD Water Law

- [denr.sd.gov/des/wr/history.aspx](http://denr.sd.gov/des/wr/history.aspx)

### Water Rights Permitting

- [denr.sd.gov/des/wr/wateruse.aspx](http://denr.sd.gov/des/wr/wateruse.aspx)

### Water Rights Hearing Procedure

- [denr.sd.gov/des/wr/hearing.aspx](http://denr.sd.gov/des/wr/hearing.aspx)

### Drilling a Well/Building a Dam

- [denr.sd.gov/des/wr/well.aspx](http://denr.sd.gov/des/wr/well.aspx)

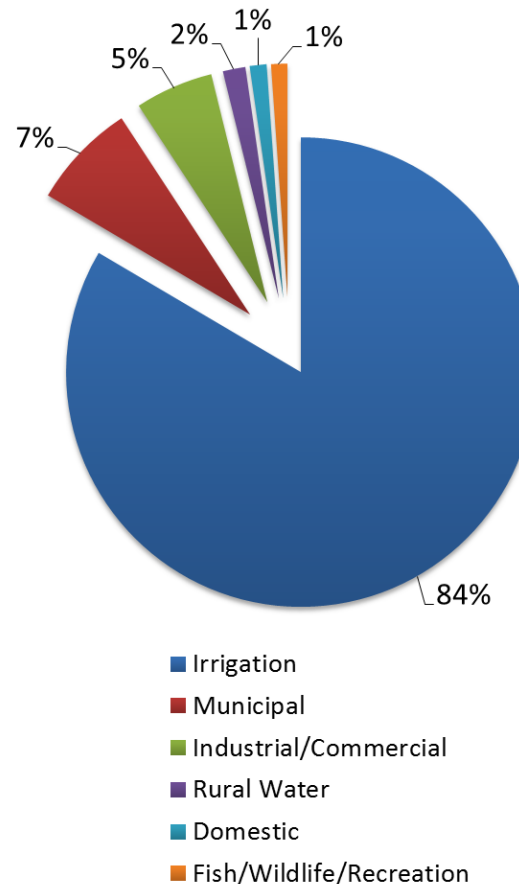
- [denr.sd.gov/des/wr/dam.aspx](http://denr.sd.gov/des/wr/dam.aspx)

### Application E-Forms

- [denr.sd.gov/des/wr/watrightsapps.aspx](http://denr.sd.gov/des/wr/watrightsapps.aspx)

## South Dakota Water Rights by Type of Use

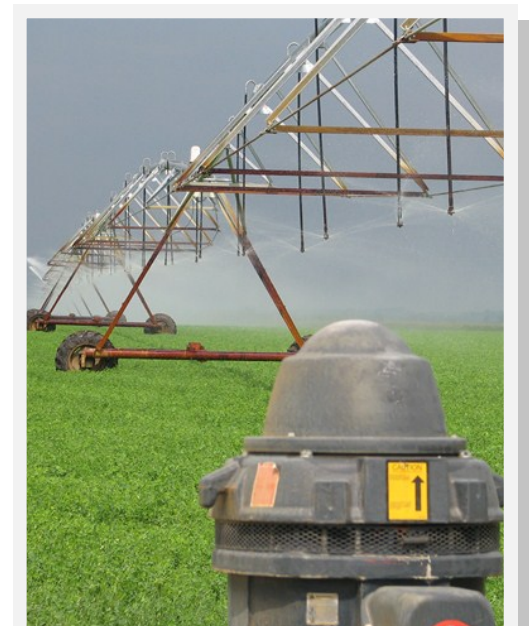
Based on permitted cubic feet of water per second



## STATE OF SOUTH DAKOTA

Dept. of Environment & Natural Resources  
Water Rights Program

## A South Dakota Water Rights Primer



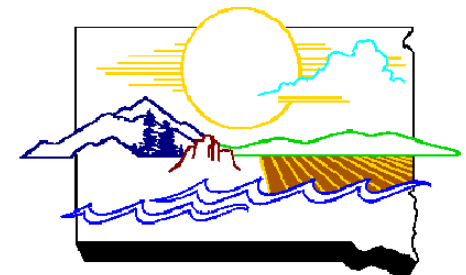
## CONTACT INFORMATION

Dept. of Environment & Natural Resources  
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523 E Capitol Ave  
Pierre SD 57501-3182

Phone: 605 773-3352

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Web: [denr.sd.gov/wr](http://denr.sd.gov/wr)



Protecting South Dakota's Tomorrow ... Today

# Water Rights Primer

## Water Rights in South Dakota

Water is the property of the people of the state whether ground or surface water. Except for domestic uses, all private and public uses of water in South Dakota require obtaining a water right. Some examples of domestic use include household uses, stock watering, and noncommercial irrigation not exceeding one acre. Even domestic uses require a water right if the use exceeds 18 gallons per minute (gpm) on an average daily basis. Also, domestic use has preference over water uses which need a water right.



A water right is needed for the following:

- ◆ irrigation use (commercial or more than one acre),
- ◆ municipal & rural water uses (more than 18 gpm),
- ◆ commercial & industrial uses,
- ◆ suburban housing & domestic uses (more than 18 gpm),
- ◆ fish & wildlife/recreation uses, and
- ◆ institutional use.

Water users supplied by a water distribution system, such as a city or rural water system, are covered by the system's water right.

## Applying for a Water Right

An application for a water right permit is submitted to the Department of Environment and Natural Resources. A typical application consists of a two page form, location map, application fee and a test hole log, if applicable. Upon receipt of the application, a report and recommendation are prepared. To recommend approval of the application, four criteria listed in state law need to be met:

1. Water needs to be available from the proposed water source;
2. Existing rights can not be unlawfully impaired by the proposed use;
3. The proposed use must be a beneficial use; and
4. In the public interest.

After review of the application, a notice is published in each county where project works are located. The notice describes the application and indicates that anyone may file a petition to support or oppose the application. If approval is recommended and no one contests the application, then a permit can be issued without the need for a hearing. This process typically takes two to three months.

However, if the application is contested, then a hearing is scheduled for the state Water Management Board to consider the application. The Water Management Board is a citizen's board with seven members appointed by the Governor. After listening to all parties involved in a contested application, the board decides whether to approve the application. Decisions of the board can be appealed to circuit court and the state Supreme Court.



## Developing a Water Right

After approval of a permit, construction needs to be completed within five years with an additional four years to place all the water to beneficial use. If the project is not completed within the allotted time, the permit is cancelled due to nonconstruction. However, the permit can be amended to grant an extension of time to complete the project. After completion of the project, a licensing inspection is completed to ensure the developed use complies with permit requirements. A license is then issued reflecting the actual extent to which water was placed to beneficial use. Once the water permit is licensed it becomes a water right. A water right does not need to be renewed and can be cancelled only if the use is abandoned or forfeited due to nonuse.

## Changing a Water Right

Ownership can be transferred from one person to another by filing notice of the transfer with the Water Rights Program. The new owner is responsible for filing the transfer.

An amendment to a permit or water right can be made for a change in use, a change in point of diversion or other change if the change does not unlawfully impair existing rights, is for a beneficial use, and in the public interest. No increase in either the pump rate or volume of water is allowed. Also, irrigation use may only be changed to domestic use or use within a water distribution system.

Amending a permit or water right requires submission of an application, publication of a notice, and the opportunity for a public hearing on the proposed amendment.