



Burtz land

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

MAR 30 2022

Blake Burnham
31166 300th St
Winner SD 57580

Dear Mr. Burnham:

Enclosed is Water Permit No. 2835-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An information sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
605 773-3352

enclosures

SOUTH DAKOTA
WATER PERMIT NO. 2835-2

Date of first receipt of application December 28, 2021.

Date of return to applicant for corrections, amendments or changes January 4, 2022.

Date of receipt of corrected application January 13, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2835-2 to Blake Burnham, 31166 300th St, Winner SD 57580 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2835-2 appropriates 2.07 cubic feet of water per second from a dugout located in the SE 1/4 NE 1/4 Section 31 for irrigation of 145 acres located in the S 1/2 SW 1/4, SW 1/4 SE 1/4 Section 29 and the NW 1/4, NW 1/4 NE 1/4 Section 32; all in T103N-R77W. This site is located approximately 23 miles northwest of Winner SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is December 28, 2021.
4. The date of approval of Permit No. 2835-2 is February 21, 2022.
5. One-fifth of the construction is to be completed on or before August 21, 2024.
6. All construction is to be completed on or before February 21, 2027.
7. Water is to be put to beneficial use on or before February 21, 2031.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. This Permit authorizes the diversion of water from the dugout adjacent to the White River until June 1 of each calendar year. After June 1, there shall be no diversions under this Permit unless written authorization is issued by the Chief Engineer. Diversion under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. Diversions from the dugout adjacent to the White River are authorized only when flow at the USGS Gaging Station No. 06452000 – White River near Oacoma is at least 20 cfs while pumping under this Permit.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Eric Gronlund*
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

MAR 30 2022
date



? COMMON WATER RIGHT QUESTIONS?

When do I need a Water Right?

- If you store more than 25 acre feet of water in a drydraw dam or any water in a dam on a navigable water course.
- If you use water at a rate greater than 25 gpm or more than 25,920 gal. per day for household or livestock water.
- If you use water for irrigation of more than one acre, or any use for commercial, municipal, institutional, or industrial.
- A new water permit is required to change permitted water sources, increase permitted diversion rate, or increase the irrigated acreage.

As a water right holder what responsibilities do I have?

- If you are a new owner of property with existing water rights, you need to file a transfer of ownership.
- Adhere to all qualifications on water right.
- Irrigators must complete and return the annual irrigation questionnaire sent each fall.
- If chemicals or fertilizer are applied through system, you must have properly installed pollution prevention equipment and report your chemical use along with the irrigation questionnaire.

Why are you here to look at my system, I thought I already had a Water Right?

- When the Water Management Board approves a water right permit application it becomes a water permit.
- The permit allows 5 years to construct the system.
- After the 5 year construction period, a permit investigation is conducted to determine the extent of the developed project.
- If the project is developed as permitted, a water license will then be issued and the water permit becomes a water right.
- Issuance of a water license is the final step in obtaining a water right to use water in South Dakota.

Can I drill more wells or replacement wells under my Water Permit or Right?

To be approved, a replacement well or additional well(s) must:

- Be in the same water source and is not for more water than is authorized by the existing Water Permit.
- Be within a reasonable distance of the original well site.
- Not cause adverse interference with existing water rights and domestic wells.
- Contact the Water Rights Program prior to drilling a new well to confirm whether or not a new permit is needed.

When can a Water Permit or Right be canceled?

- Project not constructed within the 5 year construction period.
- Abandonment - no intent to use water and use is abandoned.
- Forfeiture - no use of water for a three year period without legal excuse.
- For a third violation of a condition of a water permit/right such as failure to submit annual irrigation questionnaire.
- Water Management Board must take formal action to cancel a water permit, water right, or vested water right.

This is not intended to answer all questions in regard to obtaining and keeping a water right and may in fact invite more questions. Please don't hesitate to contact the Water Rights Program at (605) 773-3352 or visit us at our web site: danr.sd.gov. We are here to assist you!