



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

DEC 15 2017

Otter Tail Power Company
c/o Mark Thoma, Manager, Environmental Services
PO Box 496
Fergus Falls MN 56538-0496

Dear Mr. Thoma:

Enclosed is Water Permit No. 8309-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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 informational 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**SOUTH DAKOTA
WATER PERMIT NO. 8309-3**

Date of first receipt of application September 18, 2017.


The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8309-3 to Otter Tail Power Company, c/o Mark Thoma, Manager, Environmental Services, PO Box 496, Fergus Falls MN 56538-0496 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. 8309-3 appropriates 12.3 acre-feet of water annually at a maximum pump rate of 0.22 cubic feet of water per second from one well completed into the Altamont Aquifer (679 feet deep) located in the SE 1/4 NE 1/4 Section 22-T113N-R48W. The site is located 1 1/2 miles northwest of Astoria and known as Astoria Station.
2. The water appropriated shall be used for the purpose of industrial and commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8309-3 is December 11, 2017.
5. The date from which applicant may claim right is September 18, 2017.
6. One-fifth of the construction is to be completed on or before June 11, 2020.
7. All construction is to be completed on or before December 11, 2022.
8. Water is to be put to beneficial use on or before December 11, 2026.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8309-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Altamont aquifer.
4. Water Permit No. 8309-3 authorizes a total annual diversion of 12.3 acre feet of water.

WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 15 2017
date



NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Date _____

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

(name)

(address)

(city, state, zip)

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. _____ states that the water use system is to be constructed by _____, and water is to be put to beneficial use by _____
(date) (date)

The water use system was completed on _____
(date)

Applying the water to beneficial use was completed on _____
(date)

You may schedule an investigation so that the water license may be issued.

(signature)



? 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: denr.sd.gov. We are here to assist you!