



2025 South Dakota Legislature

House Bill 1156

Introduced by: **Representative Bathke**

1 **An Act to provide for the administrative approval of certain drainage applications**
 2 **by counties.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That a NEW SECTION be added to chapter 46A-10A:**

5 A board or commission that has adopted a permit system pursuant to § 46A-10A-
 6 30 may designate a drainage administrator who has authority to grant or deny a permit
 7 application for a proposed drainage project that outlets:

8 (1) Directly into a named creek or any natural waterway, as delineated on the most
 9 recently published United States Geological Survey 7.5-minute quadrangle map
 10 ornational map;

11 (2) Directly into a permanent or intermittent stream, provided:

12 (a) The stream is connected to a natural waterway, as delineated on the most
 13 recently published United States Geological Survey 7.5-minute quadrangle
 14 map or national map; and

15 (b) The applicant obtains written approval from all affected landowners;

16 (3) Directly or indirectly into a public or private road right-of-way, provided the
 17 applicant obtains:

18 (a) Approval from the appropriate road authority to drain into the right-of-way;
 19 and

20 (b) Written consent from all affected landowners; or

21 (4) Into an unnamed waterway, or a waterway not delineated on a United States
 22 Geological Survey map, provided the applicant obtains written consent from all
 23 affected landowners.

24 All other drainage permit applications must be addressed by the board or
 25 commission in accordance with the permit system.

1 For purposes of this section, an "affected landowner" is any upstream landowner
2 within one-half mile above the proposed project, any downstream landowner within one
3 mile below the proposed outlet of the project, or any landowner within one-quarter mile
4 surrounding the edge of the project.