

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

378B0658

HOUSE BILL NO. 1161

Introduced by: Representatives Pourier, Bordeaux, Johnson (David), Lesmeister, Ring, Saba,
and Smith (Jamie) and Senators Foster, Heinert, Nesiba, and Youngberg

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the issuance of
2 temporary permits for the use of public water.

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

4 Section 1. That § 46-5-40.1 be amended to read:

5 46-5-40.1. The Water Management Board may promulgate rules to authorize the chief
6 engineer to issue temporary permits for the use of public water for construction, testing, or
7 drilling purposes. No temporary permit is valid after December thirty-one of the year in which
8 the permit is issued. No temporary permit may be issued if the permit interferes with or
9 adversely affects prior appropriations or vested rights. A temporary permit shall contain
10 qualifications and limitations necessary to protect the public interest. The issuance of a
11 temporary permit is permission to use public water on a temporary basis and does not grant any
12 water rights. No temporary permit may be issued for testing or drilling to explore, seeking to
13 develop, or actively mining natural resource deposits or fields.

