

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

945B0744

HOUSE BILL NO. 1239

Introduced by: Representatives Pourier, Bordeaux, McCleerey, Smith (Jamie), and Sullivan
and Senators Foster, Heinert, and Wismer

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding temporary permits
2 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.

13 The chief engineer shall schedule an application for a temporary permit for the use of public
14 water for hearing by the Water Management Board when requested by a state agency, county
15 or municipal government, or federally recognized Indian tribe government with an interest in



1 the water to be used or whenever it appears that the temporary permit may interfere with or
2 adversely affect prior appropriations or vested rights. The hearing shall be held in the county or
3 municipality where the public water is to be used.