

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

376E0047

## SENATE BILL NO. 10

Introduced by: Senators Symens and Diedtrich (Elmer) and Representatives Lintz, Fryslie, and Hanson (Gary) at the request of the Interim Agriculture and Natural Resources Committee

1 FOR AN ACT ENTITLED, An Act to clarify certain provisions concerning the ownership of  
2 public water and public access thereto.

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

4 Section 1. That § 46-1-3 be amended to read as follows:

5 46-1-3. ~~It is hereby declared that all~~ All water within the state is the property of the people  
6 of the state, but the right to the use of water may be acquired by appropriation as provided by  
7 law. Public ownership of water does not imply public access, which may be constrained by the  
8 ownership of private property.