

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

574Z0780

## HOUSE BILL NO. 1225

Introduced by: Representatives Bordeaux, Ahlers, Frye-Mueller, Lesmeister, and May and  
Senators Killer, Heinert, and Nelson

1 FOR AN ACT ENTITLED, An Act to require notice and a hearing before the issuance of  
2 certain temporary water use permits.

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. A person seeking a temporary permit for the use of public water for  
8 construction, testing, or drilling shall submit an application to the chief engineer for a temporary  
9 permit pursuant to the procedure established in chapter 46-2A. ~~No~~ A temporary permit is not  
10 valid after December ~~thirty-one~~ thirty-first of the year ~~in which~~ the permit is issued. ~~No~~ A  
11 temporary permit may not be issued if the permit interferes with or adversely affects prior  
12 appropriations or vested rights. A temporary permit shall contain qualifications and limitations  
13 necessary to protect the public interest. The issuance of a temporary permit is permission to use  
14 public water on a temporary basis and does not grant any water rights.

