

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0174

SENATE BILL NO. 6

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Environment and Natural Resources

1 FOR AN ACT ENTITLED, An Act to revise certain provisions to allow the transfer of
2 ownership of an application to appropriate water.

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

4 Section 1. That § 46-5-30.3 be amended to read as follows:

5 46-5-30.3. Notice of any sale, grant, lease, conveyance, or other transfer of a an application,
6 permit, or license to appropriate water ~~issued~~ under the provisions of this title shall be filed with
7 the chief engineer within ninety days.

8 Section 2. That § 46-5-32 be amended to read as follows:

9 46-5-32. Subject to the limitations provided in §§ 46-5-33 and 46-5-34, any application,
10 permit, or license to appropriate water, including a permit issued under § 46-5-8.1, may be
11 assigned, but no assignment is binding, except upon the parties thereto, unless filed for record
12 in with the Division of Water Rights chief engineer. No assignment may carry with it the right
13 to use the water for any purpose or in any manner other than that specified in the application,
14 permit, or license without the approval of the Water Management Board. Transfer of an
15 application to appropriate water does not confer any right to use of water. The evidence of the



1 right to use water from any works constructed by the United States, or its duly authorized
2 agencies, shall in like manner be filed with the ~~division~~ chief engineer, upon assignment. A sale,
3 grant, conveyance, assignment, lease, or other transfer of a permit or license issued under § 46-
4 5-8.1 may be assigned only in accordance with the terms of the contract or instrument of
5 conveyance between the district and the energy industry user.

6 Section 3. That § 46-5-33 be amended to read as follows:

7 46-5-33. No application, permit, or right to appropriate water for irrigation purposes may
8 be assigned, nor may the ownership of a an application, permit, or right in any manner be
9 transferred, apart from the land to which it is appurtenant, except in the manner provided by law.
10 A transfer of title to land shall carry with it all rights to the use of water appurtenant to the land
11 for irrigation purposes.