

## **Pertinent Statutes/Rules for Large-Scale Appropriations**

- ❖ **SDCL 46-5-20.1 Legislative approval required for large-scale appropriation-Eminent domain powers denied for unauthorized appropriation.** Any application for appropriation of water, pursuant to this chapter, in excess of ten thousand acre feet annually shall be presented by the Water Management Board to the Legislature for approval *prior to the board's acting upon the application* and all powers of eminent domain shall be denied any common carrier appropriating over ten thousand acre feet of water per annum which has not obtained such prior legislative approval. *Legislative approval does not mandate approval by the Water Management Board and does not constitute an issuance of a water permit.* This section does not apply to applications for the approval of water permits for energy industry use.  
(Emphasis added.)
- ❖ **74:02:01:15.02. Applications to appropriate water in excess of 10,000 acre feet annually.** Applications to appropriate water in excess of 10,000 acre feet annually shall be submitted to the board by following the procedures in § 74:02:01:15.03, prior to submission of the application by the board to the Legislature for approval. This rule applies to applications to appropriate water as required by SDCL 46-1-15, 46-5-9, 46-5-10, and to applications for appropriation of water for future use as provided in SDCL 46-5-38.
- ❖ **74:02:01:15.03. Procedures for applications to appropriate water in excess of 10,000 acre feet annually.** Applications to appropriate water in excess of 10,000 acre feet annually shall be made upon application forms furnished by the chief engineer. As far as practical, such applications shall conform to the procedures contained in SDCL 46-5-10 to 46-5-21.1, inclusive.
- ❖ **74:02:01:15.04. Board action on applications to appropriate water in excess of 10,000 acre feet annually.** The board, after a hearing on an application to appropriate water in excess of 10,000 acre feet annually, by majority vote, shall submit the application and a summary of the hearing testimony, with or without recommendation, to the Legislature for approval.

- ❖ **74:02:01:15.05. Board action after legislative action.** After approval by the Legislature, the board shall schedule a time and place for final consideration of the application. Disapproval by the Legislature constitutes disapproval by the board and no further action need be taken by the board.