



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

94th Arkansas General Assembly/Commissioner of State Lands: Legislation Filed Addressing Procedure for Execution of Deeds for Riparian Owners

01/20/2023

House Bill 1163 ("HB1163") has been filed by Representative Bentley and Senator G. Stubblefield which would amend Ark. Code § 22-5-405 regarding acquisition of deeds by riparian owners for lands in lakes or rivers.

Ark. Code § 22-5-405(a) currently empowers the Commissioner of State Lands ("Commissioner") to execute deeds to lands described in § 22-5-404 to riparian owners upon:

... application and the filing of proof of record ownership of adjacent lands and proof of proper survey of the lands, conveying all the right, title, and interest of the State of Arkansas to lands as have emerged or may emerge to the mean high-water mark of any such stream or lake.

HB1163 revises 22-5-405(b) to require applicants for such deeds to:

- Submit a completed application to the Commissioner
- Submit a survey of the land
- Including field notes and plats
- Be performed by a professional surveyor licensed by the State of Arkansas
- Be completed within the six-month period directly preceding the submission date of the application
- Submit affidavits of three competent persons having full personal knowledge of the facts

The affidavits must include statement that the lands:

- Have emerged to the high water mark
- Are capable of cultivation

The legislation also addresses payment.

The prior procedure for acquisition of such deeds is revised to eliminate the Commissioner's use of a county surveyor or other competent surveyor to undertake the previously referenced activities.

HB1163 has been referred to the House of Representatives State Agencies and Governmental Affairs Committee.

A copy of HB1163 can be downloaded [here](#).

