

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

400T0344

## HOUSE BILL NO. 1011

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 the definition of domestic use of water.

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

3 Section 1. That subdivision (7) of § 46-1-6 be amended to read as follows:

4 (7) "Domestic use," use of water not exceeding eighteen gallons per minute on an  
5 average daily basis, except for larger domestic wells in operation before July 1, 1983,  
6 by an individual, or by a family unit or household, for drinking, washing, sanitary,  
7 and culinary purposes and other ordinary household purposes; irrigation of a  
8 noncommercial family garden, trees, shrubbery, or orchard not greater in area than  
9 one acre; eighteen gallons per minute or less for uses in schools, parks, and other  
10 public recreation areas; geothermal heat for a single household; or noncommercial  
11 on-farm alcohol production. The use of water supplied by a water distribution system  
12 for the preceding purposes, for the occupants of schools, hospitals, and other  
13 custodial care facilities and for fire protection is a domestic use as against  
14 appropriative rights having a priority after June 30, 1978. Stock watering is a  
15 domestic use. Use of water not exceeding eighteen gallons per minute on an average



1 daily basis for livestock in a confinement operation, including water for drinking,  
2 sanitary and general welfare purposes and for like purposes by those caring for the  
3 livestock, is a domestic use. Use of groundwater by water distribution systems,  
4 except for irrigation purposes is a domestic use except where groundwater and water  
5 in flowing streams constitute the same water supply source, but only to the extent the  
6 water was actually used before July 1, 1978;

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