

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

732A0655

HOUSE BILL NO. 1194

Introduced by: Representatives Schrempp, Hagen, Kazmerzak, Lockner, Sperry, and Weber
and Senators Hutmacher, Hunhoff, Kloucek, Lange, Lawler, Reedy, and
Symens

1 FOR AN ACT ENTITLED, An Act to revise the definition of domestic water use for certain
2 hog farm operations.

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

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

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

1 domestic use, except that for any operation for the breeding, farrowing, feeding, or
2 raising of swine that requires a general permit from the Department of Environment
3 and Natural Resources, the use of water not exceeding twelve gallons per minute on
4 an average daily basis is a domestic use, and any such use of water in excess of that
5 amount is not a domestic use. Use of groundwater by water distribution systems,
6 except for irrigation purposes is a domestic use except where groundwater and water
7 in flowing streams constitute the same water supply source, but only to the extent the
8 water was actually used before July 1, 1978;

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