



2024 South Dakota Legislature
House Bill 1128
ENROLLED

AN ACT

ENTITLED An Act to require a zoning authority to determine that a well is an established well that has not been abandoned in making a permitting decision.

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

Section 1. That a NEW SECTION be added to chapter 11-2:

When a well is at issue in making a determination for the implementation of a zoning ordinance requirement, the zoning authority must determine whether the well is an established well that has not been abandoned.

A well that is either abandoned or not established, or both, must not be used as a basis for denial of the zoning determination.

Terms used in this section mean:

- (1) "Abandoned well," a well in such a state of disrepair that its original purpose cannot reasonably be achieved or that has not been used for water production in the past two calendar years;
- (2) "Established well," a well for which:
 - (a) A well completion report is on file with the Department of Agriculture and Natural Resources; or
 - (b) The owner of the well files a sworn affidavit with the register of deeds on the legal description of the property in the county in which the well is located affirming that the well has been used for water production for more than one week in each of the two calendar years preceding submission of the sworn affidavit; and
- (3) "Well," an artificial excavation or opening in the ground, made by means of digging, boring, drilling, jetting, or by any other artificial method, for the purpose of obtaining groundwater.

An Act to require a zoning authority to determine that a well is an established well that has not been abandoned in making a permitting decision.

I certify that the attached Act originated in
the:
House as Bill No. 1128

Received at this Executive Office
this ____ day of _____,
2024 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2024

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1128
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State