

## ARTICLE 74:51

### SURFACE WATER QUALITY

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#### CHAPTER 74:51:01

##### SURFACE WATER QUALITY STANDARDS

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**74:51:01:01. Definitions.** Words and phrases defined in SDCL 34A-2-2, have the same meaning when used in chapters 74:51:01 to 74:51:03, inclusive. Terms and abbreviations which are not specifically defined shall be construed in conformance with the context and in relation to the applicable section of the standards or the statute concerned. In addition, terms used in chapters 74:51:01 to 74:51:03, inclusive, are defined as follows:

- (1) "Administrator," the administrator of the U.S. Environmental Protection Agency;
- (2) "Affected community," the aquatic community where water quality will be improved or degraded;
- (3) "Attainable beneficial uses," those beneficial uses which, at a minimum, can be achieved by the imposition of effluent limits required under §§ 74:51:01:07, 74:51:01:08, and 74:51:01:17 to 74:51:01:21, inclusive, and cost-effective and reasonable best management practices for nonpoint source control;
- (4) "Aquatic life," an organism dependent on the water environment to either propagate or survive, or both;
- (5) "Aquatic community," an association of interacting populations and stages of aquatic life in a given water body or habitat;
- (6) "Best management practices," "BMPs," schedules of activities, prohibitions of practice, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters of the state on a voluntary basis, including treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge, waste disposal, or drainage from raw material storage;
- (7) "Bioaccumulative pollutants," those pollutants which are taken up, retained, or accumulated in the bodies of organisms and are transferred by ingestion in increasing concentrations in the predator organisms to the point that one or more organisms in the food chain suffer significant harm;

(8) "Bioassay," a procedure in which the responses of organisms are used to detect or measure the presence or effect of one or more substances, wastes, effluents, or environmental factors, alone or in combination;

(9) "Biochemical oxygen demand," "BOD," a standardized laboratory test used to determine the relative oxygen requirements of waters and wastewaters;

(10) "Biological integrity," the ability to support and maintain a balanced, integrated, adaptive community of organisms having a species composition, diversity, and functional organization comparable to that of the natural habitat of the region;

(11) "Board," Water Management Board;

(12) "°C," degrees centigrade, a measure of temperature;

(13) "Coldwater aquatic life," aquatic life including fish of the family Salmonidae, for example, trout and salmon;

(14) "Coldwater marginal fish life propagation," a beneficial use assigned to surface waters of the state which support aquatic life and are suitable for stocked catchable-size coldwater fish during portions of the year, but which, because of critical natural conditions including low flows, siltation, or warm temperatures, are not suitable for a permanent coldwater fish population. Warmwater fish may also be present;

(15) "Coldwater permanent fish life propagation," a beneficial use assigned to surface waters of the state which are capable of supporting aquatic life and are suitable for supporting a permanent population of coldwater fish from natural reproduction or fingerling stocking. Warmwater fish may also be present;

(16) "Commerce and industry," a beneficial use assigned to surface waters of the state which are suitable for use as cooling water, industrial process water, navigation, and production of hydroelectric power;

(17) "Criterion," a designated concentration of a substance, measure of a physical factor, or narrative statement that, when not exceeded, will protect an organism, a biological community, or a prescribed beneficial use or water quality;

(18) "Designated beneficial uses," those beneficial uses specified in chapters 74:51:02 and 74:51:03 for each water body or segment whether or not they are being attained;

(19) "Domestic water supply," a beneficial use assigned to surface waters of the state which are suitable for human consumption, culinary or food processing purposes, and other household purposes after suitable conventional treatment;

(20) "Eight-hour composited sample," a sample composed of eight grab samples taken at one-hour intervals, the volume of each sample proportioned to flow, and physically mixed prior to analysis;

(21) "Effective concentration," the concentration of a toxicant effecting a specific response in a given time;

(22) "EPA methods," **Methods for Chemical Analysis of Waters and Wastes**, 1983, Environmental Protection Agency, Analytical Quality Control Laboratory;

(23) "Epilimnion," in a thermally-stratified waterbody, the upper stratum of the water column. This layer is generally above the thermocline and is typically uniformly warm, circulating, and well mixed;

~~(23)~~ (24) "Existing beneficial uses," those uses actually attained in surface waters of the state on March 27, 1973, whether or not they are so designated;

~~(24)~~ (25) "°F," degrees Fahrenheit, a measure of temperature;

~~(25)~~ (26) "Fish and wildlife propagation, recreation, and stock watering," a beneficial use classification assigned to all surface waters of the state that may support recreation in and on the water and fish and aquatic life, when sufficient quantities of water are present for sufficient duration to support those uses; that provide habitat for aquatic and semiaquatic wild animals and fowl; that provide natural food chain maintenance; and that are of suitable quality for watering domestic and wild animals;

~~(26)~~ (27) "Geometric mean," the nth root of a product of n factors;

~~(27)~~ (28) "Handbook 69," **Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure**, recommendations of the National Committee on Radiation Protection, **National Bureau of Standards Handbook 69**, (August 1963);

~~(28)~~ (29) "High-quality fishery waters," surface waters of the state designated for the beneficial use of coldwater permanent fish life propagation, coldwater marginal fish life propagation, or warmwater permanent fish life propagation;

(30) "Hypolimnion," in a thermally-stratified waterbody, the bottom layer of water column. This layer is generally below the thermocline and is typically less well mixed (at times, stagnant), colder than the epilimnion, and often of essentially uniform temperature;

~~(29)~~ (31) "Immersion recreation," a beneficial use assigned to surface waters of the state which are suitable for uses where the human body may come in direct contact with the water, to the point of complete submersion and where water may be accidentally ingested or where certain sensitive organs such as the eyes, ears, and nose may be exposed to water;

~~(30)~~ (32) "Impact," a man-induced change in the chemical, physical, or biological quality or condition of surface waters of the state;

~~(31)~~ (33) "Impairment," a detrimental effect on the aquatic community caused by an impact that prevents attainment of the designated use;

~~(32)~~ (34) "Irrigation," a beneficial use assigned to surface waters of the state which are suitable for irrigating farm lands, ranch lands, gardens, and recreational areas;

~~(33)~~ (35) "Lake," a pond, reservoir, or other body of water, created by either natural or artificial means, but not a pond or appurtenance that is used for the treatment and disposal of wastes and that is permitted for such uses;

~~(34)~~ (36) "Lethal concentration," the concentration of a toxicant producing death of a test organism in a given period of time;

~~(35)~~ (37) "Limited-contact recreation," a beneficial use assigned to surface waters of the state which are suitable for boating, fishing, and other water-related recreation other than immersion recreation where a person's water contact would be limited to the extent that infections of eyes, ears, respiratory or digestive systems, or urogenital areas would normally be avoided;

~~(36)~~ (38) "Low-quality fishery waters," surface waters of the state designated for the beneficial use of warmwater semipermanent fish life propagation or warmwater marginal fish life propagation;

~~(37)~~ (39) "Median lethal concentration," the concentration of a toxicant which produces death of 50 percent of the test organisms in the specified period of time;

(40) "Metalimnion, in a thermally stratified waterbody, the middle layer of a water column generally encompassing the thermocline, is typically somewhat mixed and influenced by the epilimnion;"

~~(38)~~ (41) "MF," membrane filter; a term used to signify that the number of bacteria was determined by means of the membrane filter technique;

~~(39)~~ (42) "mg/L," milligrams per liter, a measure of concentration;

~~(40)~~ (43) "micromhos/cm," micromhos per centimeter, a measure of electrical conductivity;

~~(41)~~ (44) "MPN," most probable number; a term used to signify that the number of bacteria was determined by means of the multiple-tube fermentation technique;

~~(42)~~ (45) "Nonpoint source," a source of pollution that is not defined as a point source;

~~(43)~~ (46) "Parameter," a chemical, physical, or biological characteristic which affects the use of surface waters of the state;

~~(44)~~ (47) "pCi/L," picocuries per liter, a measure of radioactive concentration;

~~(45)~~ (48) "Point source," a discernable, confined, and discrete conveyance, including a pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, animal feeding operation, or vessel or other flowing craft, from which pollutants are or may be discharged;

~~(46)~~ (49) "Pollutant," dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, munitions, chemical waste, biological material, radioactive material, heat,

wrecked or discarded equipment, rock, sand, or cellar dirt or any industrial, municipal, or agricultural waste discharged into waters of the state, but not sewage from water craft; water, gas, or other material which is injected into a well to facilitate production of oil or gas; or water derived in association with oil and gas production and disposed of in a well if the well used either to facilitate production or for disposal purposes is approved by authority of the state after it is determined that such injection or disposal will not result in the degradation of ground or surface resources;

(47) (50) "Pollution," contamination or other alteration of the physical, chemical, or biological properties of any waters of the state that exceeds that permitted by state effluent or water quality standards, including change in temperature, taste, color, turbidity, or odor of the waters, or the discharge of a liquid, gaseous, solid, radioactive, or other substance into any waters of the state that will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, safety, or welfare; to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish, or other aquatic life;

(48) (51) "Pollution source," a source that causes alteration of the chemical, physical, biological, or radiological integrity of surface waters of the state;

(49) (52) "Secretary," the secretary of the South Dakota Department of Environment and Natural Resources;

(50) (53) "Segment," a continuous stretch of water found between two points in the bed of a stream;

(51) (54) "Sodium adsorption ratio," a calculated value that evaluates the sodium hazard of irrigation water based on the Gapon equation and expressed by the mathematical expression:

$$\text{Sodium Adsorption Ratio} = \frac{\text{Na}^+}{\sqrt{\frac{\text{Ca}^{+2} + \text{Mg}^{+2}}{2}}}$$

where  $\text{Na}^+$ ,  $\text{Ca}^{+2}$ , and  $\text{Mg}^{+2}$  are expressed as milliequivalents per liter;

(52) (55) "Spawning bed," a place where fish spawn;

(53) (56) "Standard methods," **Standard Methods for the Examination of Water and Wastewater**, Eighteenth edition, American Public Health Association, et al., (1992); Nineteenth Edition, (1995); and Twentieth edition, (1998);

(54) (57) "Stream," a river, creek, tributary, or other watercourse;

(55) (58) "Surface water of the state," lakes, ponds, streams, rivers, wetlands, and any other body or accumulation of water on the land surface that is considered to be waters of the state, but not waste treatment systems, including treatment ponds, lagoons, leachate collection ponds, or stormwater retention ponds designed to meet the requirements of the CWA ~~other than cooling ponds as defined in 40 C.F.R. § 423.11(m) (July 1, 1991);~~

(59) "Thermocline," in a thermally-stratified waterbody, the depth range characterized by a rapid change in temperature with depth. A thermocline generally separates a well-mixed surface layer (epilimnion) and a more uniform bottom layer (hypolimnion);

~~(56)~~ (60) "Thirty-day average," the arithmetic mean of a minimum of 3 consecutive grab or composite samples taken on separate weeks in a 30-day period;

~~(57)~~ (61) "Toxic pollutant," a pollutant or combination of pollutants, including disease-causing agents, which, upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available, cause death, disease, behavioral abnormality, cancer, genetic mutation, physiological malfunctions including reproductive malfunction, or physical deformity, in an organism or its offspring;

~~(58)~~ (62) "Twenty-four-hour composited sample," a sample composed of 24 grab samples taken at one-hour intervals, the volume of each sample proportioned to flow, and physically mixed prior to analysis;

~~(59)~~ (63) "Warmwater aquatic life," aquatic life including the Ictaluridae, Centrarchidae, and Cyprinidae families of fish, for example, catfish, sunfish, and minnows, respectively;

~~(60)~~ (64) "Warmwater marginal fish life propagation," a beneficial use assigned to surface waters of the state which will support aquatic life and more tolerant species of warmwater fish naturally or by frequent stocking and intensive management but which suffer frequent fish kills because of critical natural conditions;

~~(61)~~ (65) "Warmwater permanent fish life propagation," a beneficial use assigned to surface waters of the state which support aquatic life and are suitable for the permanent propagation or maintenance, or both, of warmwater fish;

~~(62)~~ (66) "Warmwater semipermanent fish life propagation waters," a beneficial use assigned to surface waters of the state which support aquatic life and are suitable for the propagation or maintenance, or both, of warmwater fish but which may suffer occasional fish kills because of critical natural conditions;

~~(63)~~ (67) "Waters of the state," all waters within the jurisdiction of this state, including streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering on the state, but not waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA ~~other than cooling ponds as defined in 40 C.F.R. § 423.11(m) (July 1, 1991);~~

~~(64)~~ (68) "Wetlands," those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs, and similar areas;

~~(65)~~ **(69)** "Zone of mixing," an area in a stream where an effluent or discharge mixes with the upstream water.

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; 5 SDR 21, effective September 21, 1978; transferred from § 34:04:02:01, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:01, July 1, 1996; 24 SDR 10, effective July 20, 1997; 25 SDR 98, effective January 27, 1999; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-93.

**Reference: Standard Methods for the Examination of Water and Wastewater**, 18th edition, 1992, ISBN 0-87553-207-1, American Public Health Association, American Water Works Association and Water Environment Federation. The cost is \$49.95; 19<sup>th</sup> edition, ISBN 0-58321-064-4, cost is \$49.95; 20<sup>th</sup> Edition, ISBN 0-87533-235-7. The cost is \$49.95. Copies may be obtained from the American Water Works Association Bookstore, 6666 West Quincy Avenue, Denver, Colorado 80235.

**74:51:01:22. Laboratory procedures for tests.** Tests or analytical procedures to determine conformity with criteria shall be made in accordance with methods approved or references listed in 40 C.F.R. Part 136 (~~October 16, 1995~~ [July 1, 2008](#)), guidelines for establishing test procedures for the analysis of pollutants, unless other test procedures are required by the secretary.

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; 5 SDR 21, effective September 21, 1978; transferred from § 34:04:02:05, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 11, 1993; transferred from § 74:03:02:05, July 1, 1996; 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-7, 34A-2-11, 34A-2-44.

**74:51:01:23. Bioassay methods.** The toxicity of pollutants to aquatic life shall be based on bioassays which determine concentrations of a substance which at a defined period of exposure are toxic to aquatic life. Toxicity tests shall simulate expected receiving water conditions. Tests shall be conducted according to test procedures approved or methods given in the references listed in 40 C.F.R. Part 136 (~~October 16, 1995~~ [July 1, 2008](#)), guidelines for establishing test procedures for the analysis of pollutants.

The term acute means a stimulus severe enough to rapidly induce an effect. In aquatic toxicity tests, a deleterious response (e.g., mortality, disorientation, immobilization) to a stimulus observed in 96 hours or less is considered acute. When referring to aquatic toxicology or human health, an acute effect is not always measured in terms of lethality.

The term chronic means a stimulus of the lowest concentration of a constituent causing observable effects. In aquatic toxicity tests, observable effects may include lethality, reduced growth, or reduced reproduction, usually a four- to seven-day test.

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:02:06, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:06, July 1, 1996; 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:01:30. Flow rates for low quality fishery and irrigation waters.** A low-quality fishery water is defined as a stream classified for the beneficial use of warmwater semipermanent fish life propagation or warmwater marginal fish life propagation, or fish and wildlife propagation, recreation, and stock watering. The design low flow for a low-quality fishery or irrigation water is the minimum 7-day average low flow that can be expected to occur once in every 25 years (7Q25) or 1.0 cubic foot per second, whichever is greater. During these low flow periods, the water quality criteria set forth in §§ 74:51:01:48 and 74:51:01:49, inclusive, and §§ 74:51:01:52 and 74:51:01:53 do not apply to the water but all surface water discharge permit limits remain in force. If one cubic foot per second is greater than the flow expected to occur once every five years (7Q5), the toxic pollutant standards contained in Appendix B continue to apply to the water to the point where the flow in the stream drops to or below the 7Q5.

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:02:10, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:10, July 1, 1996; 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11, 34A-2-22.

**74:51:01:32. Effluent limits for discharges to coldwater fishery waters.** Effluents discharged from water pollution control facilities into waters classified for the beneficial use of coldwater permanent fish life propagation and coldwater marginal fish life propagation must be of high quality. In order to protect these uses, the effluent may not exceed 10 mg/L of suspended solids and 10 mg/L of 5-day biochemical oxygen demand as a 30-day average. ~~The limit for suspended solids must be met at all times based on the results of a 24-hour composited sample. The limit for 5-day biochemical oxygen demand must be met at all times based on the results of any one 24-hour composited sample of the effluent.~~ Neither pollution characteristic may exceed 17.5 mg/L in any one grab sample collected during the sampling period. Facilities that applied ~~apply~~ for ~~or were issued, before July 1, 1980, a national pollutant discharge elimination system a~~ permit to discharge to the reach of the Missouri River from the Big Bend Dam to the North Dakota border are exempt from this section.

**Source:** SL 1975, ch 16, § 1; 2 SDR 36, effective November 17, 1975; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:02:45, effective July 1, 1979; 7 SDR 48, effective November 24, 1980; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1989; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:45, July 1, 1996.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11, 34A-2-13.

**74:51:01:44. Criteria for domestic water supply waters.** The criteria of parameters for domestic water supply waters and their allowable variations that are not included under § 74:51:01:55 and Appendix B, unless set under § 74:51:01:24, are as found in the following table:

Parameter	Criteria	Unit of Measure	Special Conditions
Total dissolved solids	≤ 1,000	mg/L	30-day average
	≤ 1,750	mg/L	daily maximum
Nitrates as N	≤ 10	mg/L	<u>daily maximum</u>
pH	≥ 6.5 - ≤ 9.0	units	
Total Coliform	≤ 5,000	/100 mL	geometric mean of a minimum of 5 samples during separate 24-hour periods for a 30-day period and may not exceed this value in more than 20 percent of the samples examined in the same 30-day period
	≤ 20,000	/100 mL	in any one sample
Barium	≤ 1.0	mg/L	<u>daily maximum</u>
Chloride	≤ 250	mg/L	30-day average
	≤ 438	mg/L	daily maximum
Fluoride	≤ 4.0	mg/L	<u>daily maximum</u>
Sulfate	≤ 500	mg/L	30-day average
	≤ 875	mg/L	daily maximum
Total Petroleum Hydrocarbons	≤ 1.0	mg/L	<u>daily maximum</u>

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:02:33, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:33, July 1, 1996; 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:01:45. Criteria for coldwater permanent fish life propagation waters.** The criteria of parameters for coldwater permanent fish life propagation waters and their allowable variations that are not included under § 74:51:01:55 and Appendix B, unless set under § 74:51:01:24, are as found in the following table:

Parameter	Criteria	Unit of Measure	Special Conditions
Total ammonia nitrogen as N	Equal to or less than the result from Equation 3 in Appendix A	mg/L	30-day average
	Equal to or less than the result from Equation 1	mg/l	daily maximum

Parameter	Criteria	Unit of Measure	Special Conditions
	in Appendix A		
Chlorides	≤ 100	mg/L	30-day average
	≤ 175	mg/L	daily maximum
Dissolved oxygen <u>as measured anywhere in the water column of a non-stratified water body, or in the epilimnion of a stratified water body</u>	≥ 6.0	mg/L	<u>daily minimum</u>
	≥ 7.0	<u>mg/L</u>	<u>in spawning areas during the spawning season</u>
Undissociated hydrogen sulfide	≤ 0.002	mg/L	<u>daily maximum</u>
pH	≥ <del>6.6</del> <u>6.5</u> - ≤ <del>8.6</del> <u>9.0</u>	units	see § 74:51:01:07
Total Suspended Solids	≤ 30	mg/L	30-day average
	≤ 53	mg/L	daily maximum
Temperature	≤ 65	°F	see § 74:51:01:31

For special effluent limitations related to coldwater fisheries, see § 74:51:01:32.

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; 5 SDR 21, effective September 21, 1978; transferred from § 34:04:02:34, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:34, July 1, 1996; 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:01:46. Criteria for coldwater marginal fish life propagation waters.** The criteria of parameters for coldwater marginal fish life propagation waters and their allowable variations that are not included under § 74:51:01:55 and Appendix B, unless set under § 74:51:01:24, are as found in the following table:

Parameter	Criteria	Unit of Measure	Special Conditions
Total ammonia nitrogen as N	Equal to or less than the result from Equation 3 in Appendix A	mg/L	30-day average
	Equal to or less than the result from Equation 1 in Appendix A	mg/L	daily maximum

Parameter	Criteria	Unit of Measure	Special Conditions
Dissolved oxygen <u>as measured anywhere in the water column of a non-stratified water body, or in the epilimnion and metalimnion of a stratified water body</u>	≥ 5.0	mg/L	<u>daily minimum</u>
Undissociated hydrogen sulfide	≤ 0.002	mg/L	<u>daily maximum</u>
pH	≥ 6.5 - ≤ 8.8 <b>9.0</b>	units	see § 74:51:01:07
Total Suspended Solids	≤ 90	mg/L	30-day average
	≤ 158	mg/L	daily maximum
Temperature	≤ 75	°F	see § 74:51:01:31

For special effluent limitations related to coldwater fisheries, see § 74:51:01:32.

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; 5 SDR 21, effective September 21, 1978; transferred from § 34:04:02:35, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:35, July 1, 1996; 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:01:47. Criteria for warmwater permanent fish life propagation waters.** The criteria of parameters for warmwater permanent fish life propagation waters and their allowable variations that are not included under § 74:51:01:55 and Appendix B, unless set under § 74:51:01:24, are as found in the following table:

Parameter	Criteria	Unit of Measure	Special Conditions
Total ammonia nitrogen as N	Equal to or less than the result from Equation 3 in Appendix A	mg/L	30-day average March 1 - October 31
	Equal to or less than the result from Equation 4 in Appendix A	mg/L	30 day average November 1 - February 29
	Equal to or less than the result from Equation 2 in Appendix A	mg/L	daily maximum
Dissolved oxygen <u>as measured anywhere in the water column of a non-stratified water body, or in the</u>	≥ 5.0	mg/L	<u>daily minimum</u>

Parameter	Criteria	Unit of Measure	Special Conditions
<u>epilimnion and metalimnion of a stratified water body</u>	$\geq 6.0$		in Big Stone Lake and Lake Traverse during April and May
Undissociated hydrogen sulfide	$\leq 0.002$	mg/L	<u>daily maximum</u>
pH	$\geq 6.5 - \leq 9.0$	units	see § 74:51:01:07
Total Suspended Solids	$\leq 90$	mg/L	30-day average
	$\leq 158$	mg/L	daily maximum
Temperature	$\leq 80$	°F	see § 74:51:01:31

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; 5 SDR 21, effective September 21, 1978; transferred from § 34:04:02:36, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:36, July 1, 1996; 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:01:48. Criteria for warmwater semipermanent fish life propagation waters.** The criteria of parameters for warmwater semipermanent fish life propagation waters and their allowable variations that are not included under § 74:51:01:55 and Appendix B, unless set under § 74:51:01:24, are as found in the following table:

Parameter	Criteria	Unit of Measure	Special Conditions
Total ammonia nitrogen as N	Equal to or less than the result from Equation 3 in Appendix A	mg/L	30-day average March 1 - October 31
	Equal to or less than the result from Equation 4 in Appendix A	mg/L	30-day average November 1 - February 29
	Equal to or less than the result from Equation 2 in Appendix A	mg/L	daily maximum
<u>Dissolved oxygen as measured anywhere in the water column of a non-stratified water body, or in the epilimnion and metalimnion of a stratified water body</u>	$\geq 5.0$	mg/L	<u>daily minimum</u>
Undissociated hydrogen sulfide	$\leq 0.002$	mg/L	<u>daily maximum</u>
pH	$\geq 6.5 - \leq 9.0$	Units	see § 74:51:01:07
Total Suspended Solids	$\leq 90$	mg/L	30-day average
	$\leq 158$	mg/L	daily maximum
Temperature	$\leq 90$	°F	see § 74:51:01:31

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; 5 SDR 21, effective September 21, 1978; transferred from § 34:04:02:37, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:37, July 1, 1996; 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:01:48.01 Site-specific criteria for semipermanent fish life propagation waters – White River from the Nebraska-South Dakota border to its confluence with the Missouri River.** The following site-specific criteria for semipermanent fish life propagation waters are established for the White River from the Nebraska-South Dakota border to its confluence with the Missouri River:

<b><u>Parameter: Total Suspended Solids</u></b>	<b><u>Criteria</u></b>	<b><u>Unit of Measure</u></b>	<b><u>Special Condition</u></b>
<u>White River from the Nebraska-South Dakota border to its confluence with Willow Creek</u>	<u>≤ 4,525</u>	<u>mg/L</u>	<u>daily maximum</u>
<u>White River from its confluence with Willow Creek to its confluence with the Little White River</u>	<u>≤ 24,300</u>	<u>mg/L</u>	<u>daily maximum</u>
<u>White River from its confluence with the Little White River to its confluence with the Missouri River</u>	<u>≤ 21,550</u>	<u>mg/L</u>	<u>daily maximum</u>

**Source:**

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:01:48.02 Site-specific criterion for semipermanent fish life propagation waters – Little White River from its confluence with Rosebud Creek to its confluence with the White River.** The following site-specific criterion for semipermanent fish life propagation waters is established for the Little White River from its confluence with Rosebud Creek to its confluence with the White River:

<b><u>Parameter</u></b>	<b><u>Criteria</u></b>	<b><u>Unit of Measure</u></b>	<b><u>Special Condition</u></b>
<u>Total suspended solids</u>	<u>≤ 1,733</u>	<u>mg/L</u>	<u>daily maximum</u>

**Source:**

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:01:49. Criteria for warmwater marginal fish life propagation waters.** The criteria for warmwater marginal fish life propagation waters and their allowable variations that are not included under § 74:51:01:55 and Appendix B, unless set under § 74:51:01:24, are as found in the following table:

Parameter	Criteria	Unit of Measure	Special Conditions
Total ammonia nitrogen as N	Equal to or less than the result from Equation 3 in Appendix A	mg/L	30-day average May 1 - October 31
	Equal to or less than the result from Equation 4 in Appendix A	mg/L	30-day average November 1 - April 30
	Equal to or less than the result from Equation 2 in Appendix A	mg/L	daily maximum
<u>Dissolved oxygen as measured anywhere in the water column of a non-stratified water body, or in the epilimnion and metalimnion of a stratified water body</u>	$\geq 4.0$	mg/L	<u>daily minimum</u> <u>October 1 – April 30</u>
	$\geq 5.0$	<u>mg/L</u>	<u>daily minimum</u> <u>May 1 – September 30</u>
Undissociated hydrogen sulfide	$\leq 0.002$	mg/L	<u>daily maximum</u>
pH	$\geq 6.0 - \leq 9.0$	units	see § 74:51:01:07
Total Suspended Solids	$\leq 150$	mg/L	30-day average
	$\leq 263$	mg/L	daily maximum
Temperature	$\leq 90$	°F	see § 74:51:01:31

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; 5 SDR 21, effective September 21, 1978; transferred from § 34:04:02:38, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:38, July 1, 1996; 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:01:50. Criteria for immersion recreation waters.** The criteria of parameters for immersion recreation waters and their allowable variations that are not included under § 74:51:01:55 and Appendix B, unless set under § 74:51:01:24, are as found in the following table and only apply May 1 – September 30:

Parameter	Criteria	Unit of Measure	Special Conditions
<u>Dissolved oxygen as measured anywhere in the water column of a non-stratified water body, or in the epilimnion and</u>	$\geq 5.0$	mg/L	<u>daily minimum</u>

Parameter	Criteria	Unit of Measure	Special Conditions
<u>metalimnion of a stratified water body</u>			
Fecal coliform (May 1—September 30)	≤ 200	/100 mL	geometric mean based on a minimum of 5 samples obtained during separate 24-hour periods for any 30-day period, and they may not exceed this value in more than 20 percent of the samples examined in this same 30-day period
	≤ 400		in any one sample
<u>Escherichia coli</u>	<u>≤ 126</u>	<u>/100 mL</u>	<u>geometric mean based on a minimum of 5 samples obtained during separate 24-hour periods for any 30-day period</u>
	<u>≤ 235</u>		<u>in any one sample</u>

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:02:40, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:40, July 1, 1996; 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:01:51. Criteria for limited contact recreation waters.** The criteria of parameters for limited contact recreation waters and their allowable variations that are not included under § 74:51:01:55 and Appendix B, unless set under § 74:51:01:24, are as found in the following table and only apply May 1 – September 30:

Parameter	Criteria	Unit of Measure	Special Conditions
Dissolved oxygen <u>as measured anywhere in the water column of a non-stratified water body, or in the epilimnion and metalimnion of a stratified water body</u>	≥ 5.0	mg/L	<u>daily minimum</u>
Fecal coliform (May 1—September 30)	≤ 1,000	/100 mL	geometric mean based on a minimum of 5 samples obtained during separate 24-hour periods for any 30-day period, and they may not exceed this value in more than 20 percent of the samples examined in this same 30-day period
	≤ 2,000		in any one sample
<u>Escherichia coli</u>	<u>≤ 630</u>	<u>/100 mL</u>	<u>geometric mean based on a</u>

Parameter	Criteria	Unit of Measure	Special Conditions
			<u>minimum of 5 samples obtained during separate 24-hour periods for any 30-day period</u>
	<u>≤ 1178</u>		<u>in any one sample</u>

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:02:41, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:41, July 1, 1996; 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:01:55. Criteria for toxic pollutants.** Toxic pollutants at levels which are or may become injurious to public health, safety, or welfare; plant, aquatic, and animal life; or the existing or designated uses of waters may not be present in the surface waters of the state. The toxic pollutants to which this section applies are the priority pollutants and chemicals in 40 C.F.R. Part 131 (July 1, 2003 2008) and any other toxic pollutants or substances determined by the secretary to be of concern at a specific site. Appendix B at the end of this chapter lists the priority pollutants and chemicals for which specific numerical criteria have been adopted by the board.

The levels of toxic pollutants allowed in surface waters shall be determined by the secretary in accordance with the chronic/acute criteria levels specified for human health and aquatic life in the National Recommended Water Quality Criteria: 2002 (EPA-822-R-02-047, November 2002-) 2006 (4304T, 2006), and as translated in Appendix B. The secretary shall use a one-in-a-million ( $10^{-6}$ ) risk level when determining applicable human health criteria.

Upon written request, the board may determine allowable levels of toxic pollutants in surface waters of the state in accordance with § 74:51:01:23 or 74:51:01:24, after opportunity for public review and comment. If a numerical criterion has been established for a toxic pollutant in §§ 74:51:01:31, 74:51:01:32, and 74:51:01:44 to 74:51:01:54, inclusive, and in § 74:51:01:56, the provisions of this section do not apply to that substance. Toxic pollutants identified in and allowed by §§ 74:51:01:58 and 74:51:01:59 for water resource enhancement or restoration projects are exempt from the provisions of this section.

**Source:** SL 1975, ch 16, § 1; transferred from § 34:04:02:14, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1987; 16 SDR 196, effective May 23, 1990; 18 SDR 128, effective February 11, 1992; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:14, July 1, 1996; 24 SDR 10, effective July 20, 1997; 25 SDR 98, effective January 27, 1999; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**Reference: National Recommended Water Quality Criteria:** 2002 (EPA-822-R-02-047, November 2002) 2006 (4304T, 2006). This can be downloaded free from the United States Environmental Protection Agency's website at <http://epa.gov/waterscience/standards/wqcriteria.html> <http://www.epa.gov/waterscience/criteria/wqtable/nrwqc-2006.pdf>.

**Cross-References:** Toxic pollutant criteria, Appendix B, ch 74:51:01; Protection of wetlands as waters of the state, § 74:51:01:11.

**74:51:01:56. Site-specific criteria for Whitewood Creek from Interstate 90 to its confluence with Gold Run Creek.** In addition to the criteria of parameters for the beneficial uses assigned in § 74:51:03:10 to the segment of Whitewood Creek from Interstate 90 to its confluence with Gold Run Creek and their allowable variations as listed in § 74:51:01:55, Appendix B, § 74:51:01:46 and §§ 74:51:01:50 to 74:51:01:53, inclusive, the following site-specific criteria are established for this segment:

<b>Parameter</b>	<b>30-day average (ug/L)</b>
Cyanide - weak acid dissociable (WAD)	80
Cadmium, total recoverable	10
Copper, total recoverable	80
Lead, total recoverable	70
Mercury, total recoverable	0.8
Silver, total recoverable	20

For the Lead-Deadwood Sanitary District, ~~as of July 1, 1988,~~ effluent quality for total suspended solids may not exceed 18 mg/L as a 30-day average and effluent quality for 5-day biochemical oxygen demand may not exceed 10 mg/L as a 30-day average. For [Homestake Mining Company South Dakota Science and Technology Authority](#), ~~as of December 1, 1987,~~ effluent quality for total suspended solids may not exceed 10 mg/L as a 30-day average. In accordance with the statements in this section, the existing [national pollutant discharge elimination system surface water discharge](#) permittees in this segment are exempt from the total suspended solids limits and 5-day biochemical oxygen demand limits contained in § 74:51:01:32.

**Source:** 14 SDR 86, effective December 24, 1987; 18 SDR 169, effective April 12, 1992; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:48, July 1, 1996; 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**Cross-References:** Modification of criteria for specific sites, § 74:51:01:24; Effluent limitations for discharges to trout fishery waters, § 74:51:01:32.

**74:51:01:63. Application requirements for certification of compliance with water quality standards.** An applicant for a federal permit or license to conduct an activity, including the construction or operation of facilities, which may result in a discharge of pollutants into surface waters of the state must receive certification of compliance with water quality standards from the secretary. A copy of the federal project application as submitted by the applicant or the responsible federal agency shall serve as request for certification. If the contents of the federal application do not provide adequate information to determine compliance with applicable water quality standards, the secretary may request any additional information required to determine compliance, including the following:

- (1) The name and address of the applicant;
- (2) A description of the activity to be performed, including the amount, duration, and potential impacts of any discharges to surface waters of the state;
- (3) A description of the uses of the surface waters of the state within a one-quarter mile radius of the affected area;
- (4) A description of any monitoring to be conducted prior to, during, and following the activity to assess impacts on water quality;
- (5) A description of the present water quality in the affected area;
- (6) A list and description of processes and operating procedures conducted by the permittee to reduce or eliminate impacts on water quality;
- (7) The date or dates that the activity will begin and end, if known, and the date or dates that a discharge will occur; and
- (8) A plan to avoid, minimize, or compensate for any adverse impacts directly attributable to the project, including changes in or reduction of:
  - (a) Channel length or width;
  - (b) Flood storage;
  - (c) Riparian habitat;
  - (d) Hydrology;
  - (e) Acreage; or
  - (f) Biological community.

**Source:** 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:55, July 1, 1996; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-11, 34A-2-33, 34A-2-34, 34A-2-93.

**Law Implemented:** SDCL 34A-2-33, 34A-2-34.

**Cross-Reference:** State certification of activities requiring a federal license or permit, 40 C.F.R. § 121 July 1, ~~2003~~ 2008).

**74:51:01:64. Notice requirements for certification of compliance with water quality standards for hydropower facilities.** The secretary shall ensure that public notice of any proposed actions for water quality certification for hydropower facilities regulated by the Federal Energy Regulatory Commission is provided either by the responsible federal agency or by the department. The public notice for hydropower facilities ~~will~~ shall follow requirements in § 74:52:05:13 and ~~shall~~ must be published in a daily or weekly newspaper ~~which~~ that serves the affected area.

**Source:** 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; 21 SDR 18, effective August 8, 1994; transferred from § 74:03:02:56; July 1, 1996, 24 SDR 10, effective July 20, 1997 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-11, 34A-2-33, 34A-2-34, 34A-2-93.

**Law Implemented:** SDCL 34A-2-33, 34A-2-34.

**Cross-Reference:** State certification of activities requiring a federal license or permit, 40 C.F.R. § 121 (July 1, ~~2003~~ 2008).

**74:51:01:64.01. Notice requirements for certification of compliance with water quality standards for dredge and fill permits.** The secretary shall ensure that public notice of any proposed actions for water quality certification under § 404 of the Federal Water Pollution Control Act as amended to February 4, 1987, is provided either by the responsible federal agency or by the department. The public notice for dredge and fill activities must be distributed for posting in post offices or other public places in the county of the site of the proposed project. The public notice ~~shall~~ must be sent to the applicant, to applicable city and county officials, to adjoining property owners, and to applicable state and federal agencies. Copies of the public notice ~~shall~~ must be sent to all parties requesting copies.

**Source:** 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; 21 SDR 18, effective August 8, 1994; transferred from § 74:51:01:64, 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-11, 34A-2-33, 34A-2-34, 34A-2-93.

**Law Implemented:** SDCL 34A-2-33, 34A-2-34.

**Cross-Reference:** State certification of activities requiring a federal license or permit, 40 C.F.R. § 121 (July 1, ~~2003~~ 2008).

**74:51:01:64.02. Notice requirements for certification of compliance with water quality standards for federal issued national pollutant discharge elimination system permits.** The secretary shall ensure that public notice of any proposed actions for water quality certification for national pollutant discharge elimination system permits issued by the EPA, under § 402 of the Federal Water Pollution Control Act as amended to February 4, 1987, is provided either by the responsible federal agency or by the department. The public notice for federal issued national pollutant discharge elimination system permits ~~shall~~ must follow requirements in § 74:52:05:13 and ~~shall~~ must be published in a daily or weekly newspaper ~~which~~ that serves the affected area.

**Source:** 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; 21 SDR 18, effective August 8, 1994; transferred from § 74:51:01:64, 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-11, 34A-2-33, 34A-2-34, 34A-2-93.

**Law Implemented:** SDCL 34A-2-33, 34A-2-34.

**Cross-Reference:** State certification of activities requiring a federal license or permit, 40 C.F.R. § 121 (July 1, ~~2003~~ 2008).

**74:51:01:64.03. Contents of public notice for certification of compliance with water quality standards.** At a minimum, the public notice required in §§ 74:51:01:64 to 74:51:01:64.02, inclusive, must include the following:

(1) A brief description of the proposed activity and a summary of the application information required in the application;

(2) A period of time, at least 15 days from the date of mailing, within which interested parties may express their views concerning the permit application; and

(3) A statement that any person may request, in writing, within the comment period specified in the notice, that a public hearing pursuant to chapter 74:50:02 be held to consider the application. Requests for public hearings must state the reasons for holding a public hearing.

**Source:** 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; 21 SDR 18, effective August 8, 1994; transferred from § 74:51:01:64, 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-11, 34A-2-33, 34A-2-34, 34A-2-93.

**Law Implemented:** SDCL 34A-2-33, 34A-2-34.

**Cross-Reference:** State certification of activities requiring a federal license or permit, 40 C.F.R. § 121 (July 1, ~~2003~~ 2008).

**74:51:01:65. Secretary's certification of compliance with water quality standards.** The certification of the secretary that water quality standards are protected ~~shall~~ **must** include the conditions ~~which~~ **that** are necessary to ~~assure~~ **ensure** compliance with the provisions of this chapter and a statement that there is a reasonable assurance that the activity will be conducted in a manner ~~which~~ **that** will not violate applicable water quality standards. The secretary shall provide certification or denial of certification to the applicant within 60 working days after receipt of the complete application.

If the secretary fails to issue certification within the 60 working days after receipt of the application or fails to submit to the responsible federal agency a written request to allow an extension of time for a determination, the applicant may consider water quality certification to be waived. The secretary may expressly waive in writing the authority to act on the request for certification.

**Source:** 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:57, July 1, 1996; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-11, 34A-2-33, 34A-2-34, 34A-2-93.

**Law Implemented:** SDCL 34A-2-33, 34A-2-34.

**Cross-Reference:** State certification of activities requiring a federal license or permit, 40 C.F.R. § 121 (July 1, ~~2003~~ 2008).

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
WATER POLLUTION CONTROL PROGRAM

TOTAL AMMONIA CRITERIA

Chapter 74:51:01

APPENDIX A

SEE: § 74:51:01:22

**Source:** Effective November 14, 1980; transferred from Chapter 74:03:02, Appendix A, July 1, 1996; transferred from Chapter 74:51:01, Appendix C, 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004.

## APPENDIX A TO CHAPTER 74:51:01

Equation 1: For waters where salmonid fish are present.

$$(0.275/(1+10^{7.204-pH})) + (39.0/(1+10^{pH-7.204}))$$

pH = the pH of the water quality sample in standard units.

Equation 2: For waters where salmonid fish are not present.

$$(0.411/(1+10^{7.204-pH})) + (58.4/(1+10^{pH-7.204}))$$

pH - the pH of the water quality sample in standard units.

Equation 3: For waters where early life stages are present.

$$(((0.0577/(1 + 10^{7.688-pH})) + (2.487/(1+10^{pH-7.688})))) * \text{MIN}(2.85, 1.45 * 10^{0.028 * (25-T)})$$

MIN = use either 2.85 or the value of  $1.45^{0.028 * (25-T)}$ , whichever is the smaller value.  
 T = the water temperature of the sample in degrees Centigrade.  
 pH - the pH of the water quality sample in standard units.

Equation 4: For waters where early life stages are absent.

$$(((0.0577/(1 + 10^{7.688-pH})) + (2.487/(1 + 10^{pH-7.688})))) * 1.45 * 10^{0.028 * (25-\text{MAX}(T,7))}$$

T = the water temperature of the sample in degrees Centigrade.  
 pH = the pH of the water quality sample in standards units.  
 MAX = use either the water temperature (T) for the sample, or 7, whichever is the greater value.

**Reference:** 1999 Update of Ambient Water Quality Criteria for Ammonia, EPA-822-R-99-014, December 1999.

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

WATER POLLUTION CONTROL PROGRAM

TOXIC POLLUTANT CRITERIA

Chapter 74:51:01

APPENDIX B

SEE: § 74:51:01:55

**Source:** 19 SDR 111, effective January 31, 1993; transferred from Chapter 74:03:02, Appendix C, July 1, 1996; transferred from Chapter 74:51:01, Appendix A, 24 SDR 10, effective July 20, 1997; 25 SDR 98, effective January 27, 1999; 31 SDR 29, effective September 13, 2004.

**SOUTH DAKOTA SURFACE WATER QUALITY STANDARDS<sup>(1)</sup>  
FOR TOXIC POLLUTANTS - ARSD 74:51:01**

Pollutant	CAS Number	Human Health Value Concentrations in µg/L		Freshwater Aquatic Life Value Concentrations in µg/L Uses 2-3-4-5-6-9	
		Use 1 <sup>(3)</sup>	Uses 2-3-4-5-6-9 <sup>(4)</sup>	Acute (CMC)	Chronic (CCC)
Acenaphthene	83329	670	990		
Acenaphthylene (PAH) <sup>(6)</sup>	208968				
Acrolein	107028	190	290		
Acrylonitrile <sup>(5)</sup>	107131	0.051	0.25		
Aldrin <sup>(5)</sup>	309002	0.000049	0.000050	1.5	
Anthracene (PAH) <sup>(6)</sup>	120127	8,300	40,000		
Antimony	7440360	5.6	640		
Arsenic <sup>(5)</sup>	7440382	0.018 <sup>(5)(13)</sup>	0.14 <sup>(5)(13)</sup>	340	150
Asbestos <sup>(5)</sup>	1332214	7,000,000 fibers/L			
alpha-BHC <sup>(5)</sup>	319846	0.0026	0.0049		
beta-BHC <sup>(5)</sup>	319857	0.0091	0.017		
gamma-BHC (Lindane) <sup>(5)</sup>	58899	0.98	1.8	0.95	
Benzene <sup>(5)</sup>	71432	2.2	51		
Benzidine <sup>(5)</sup>	92875	0.000086	0.00020		
Benzo(a)Anthracene <sup>(5)</sup>	56553	0.0038	0.018		
Benzo(a)Pyrene <sup>(5)</sup>	50328	0.0038	0.018		
Benzo(b)Fluoroanthene <sup>(5)</sup>	205992	0.0038	0.018		
Benzo(k)Fluoroanthene <sup>(5)</sup>	207089	0.0038	0.018		
Beryllium <sup>(5)</sup>	7440417	4 <sup>(14)</sup>			
Bis(2-Chloroethyl)Ether <sup>(5)</sup>	111444	0.030	0.53		
Bis(2-Chloroisopropyl)Ether	108601	1,400	65,000		
Bis(2-Ethylhexyl)Phthalate <sup>(5)</sup>	117817	1.2	2.2		
Bromoform <sup>(6)</sup>	75252	4.3	140		
Butylbenzyl Phthalate	85687	1,500	1,900		
Cadmium	7440439	5		2.0 <sup>(9)</sup>	0.25 <sup>(9)</sup>
Carbon Tetrachloride <sup>(5)</sup>	56235	0.23	1.6		
Chlordane <sup>(5)</sup>	57749	0.00080	0.00081	1.2 2.4	0.0043
Chlorine	7782505			19	11
Chlorobenzene	108907	130	1,600		
Chlorodibromomethane <sup>(5)</sup>	124481	0.40	13		
Chloroform <sup>(5)</sup>	67663	5.7	470		
2-Chloronaphthalene	91587	1,000	1,600		
2-Chlorophenol	95578	81	150		
Chromium(III)	16065831			570 <sup>(9)</sup>	74 <sup>(9)</sup>
Chromium(VI)	18540299			16	11
Chrysene <sup>(5)</sup>	218019	0.0038	0.018		
Copper	7440508	1,300		13 <sup>(9)</sup>	9.0 <sup>(9)</sup>

**SOUTH DAKOTA SURFACE WATER QUALITY STANDARDS<sup>(1)</sup>  
FOR TOXIC POLLUTANTS - ARSD 74:51:01**

Pollutant	CAS Number	Human Health Value Concentrations in µg/L		Freshwater Aquatic Life Value Concentrations in µg/L Uses 2-3-4-5-6-9	
		Use 1 <sup>(3)</sup>	Uses 2-3-4-5-6-9 <sup>(4)</sup>	Acute (CMC)	Chronic (CCC)
Cyanide (weak acid dissociable)	57125	140	140	22	5.2
4,4'-DDD <sup>(5)</sup>	72548	0.00031	0.00031		
4,4'-DDE <sup>(5)</sup>	72559	0.00022	0.00022		
4,4'-DDT <sup>(5)(7)</sup>	50293	0.00022	0.00022	<del>0.55</del> 1.1	0.001
Dibenzo(a,h)Anthracene <sup>(5)</sup>	53703	0.0038	0.018		
1,2-Dichlorobenzene	95501	420	1,300		
1,3-Dichlorobenzene	541731	320	960		
1,4-Dichlorobenzene	106467	63	190		
3,3'-Dichlorobenzidine <sup>(5)</sup>	91941	0.021	0.028		
Dichlorobromomethane <sup>(6)</sup>	75274	0.55	17		
1,2-Dichloroethane <sup>(5)</sup>	107062	0.38	37		
1,1-Dichloroethylene <sup>(5)</sup>	75354	330	7,100		
2,4-Dichlorophenol	120832	77	290		
1,2-Dichloropropane <sup>(5)</sup>	78875	0.50	15		
1,3-Dichloropropene	542756	0.34	21		
Dieldrin <sup>(5)</sup>	60571	0.000052	0.000054	0.24	0.056
Diethyl Phthalate	84662	17,000	44,000		
2,4-Dimethylphenol	105679	380	850		
Dimethyl Phthalate	131113	270,000	1,100,000		
Di-n-Butyl-Phthalate	<del>84740</del> 84742	2,000	4,500		
2-Methyl-4,6-Dinitrophenol	534521	13	280		
2,4-Dinitrophenol	51285	69	5,300		
Dioxin (2,3,7,8-TCDD) <sup>(5)</sup>	1746016	5.0E-9	5.1E-9		
2,4-Dinitrotoluene <sup>(5)</sup>	121142	0.11	3.4		
1,2-Diphenylhydrazine <sup>(5)</sup>	122667	0.036	0.20		
alpha-Endosulfan	959988	62	89	<del>0.11</del> 0.22	0.056
beta-Endosulfan	33213659	62	89	<del>0.11</del> 0.22	0.056
Endosulfan Sulfate	1031078	62	89		
Endrin	72208	0.059	0.060	0.086	0.036
Endrin Aldehyde	7421934	0.29	0.30		
Ethylbenzene	100414	530	2,100		
Fluoranthene	206440	130	140		
Fluorene <sup>(6)</sup>	86737	1,100	5,300		
Heptachlor <sup>(5)</sup>	76448	0.000079	0.000079	<del>0.26</del> 0.52	0.0038
Heptachlor epoxide <sup>(5)</sup>	1024573	0.000039	0.000039	<del>0.26</del> 0.52	0.0038
Hexachlorobenzene <sup>(5)</sup>	118741	0.00028	0.00029		
Hexachlorobutadiene <sup>(5)</sup>	87683	0.44	18		

**SOUTH DAKOTA SURFACE WATER QUALITY STANDARDS<sup>(1)</sup>  
FOR TOXIC POLLUTANTS - ARSD 74:51:01**

Pollutant	CAS Number	Human Health Value Concentrations in µg/L		Freshwater Aquatic Life Value Concentrations in µg/L Uses 2-3-4-5-6-9	
		Use 1 <sup>(3)</sup>	Uses 2-3-4-5-6-9 <sup>(4)</sup>	Acute (CMC)	Chronic (CCC)
Hexachlorocyclopentadiene	77474	40	1,100		
Hexachloroethane <sup>(5)</sup>	67721	1.4	3.3		
Ideno(1,2,3-cd)Pyrene	193395	0.0038	0.018		
Isophorone <sup>(5)</sup>	78591	35	960		
Lead	7439921			65 <sup>(9)</sup>	2.5 <sup>(9)</sup>
Mercury	7439976	0.050	0.051	1.4	<del>0.012</del> 0.77 <sup>(10)</sup>
Methyl Bromide	74839	47	1,500		
Methyl Chloride <sup>(6)</sup>	74873				
Methylene Chloride <sup>(5)</sup>	75092	4.6	590		
N-Nitrosodimethylamine <sup>(5)</sup>	62759	0.00069	3.0		
N-Nitrosodi-n-Propylamine <sup>(5)</sup>	621647	0.0050	0.51		
N-Nitrosodiphenylamine <sup>(5)</sup>	86306	3.3	6.0		
Nickel	7440020	610	4,600	470 <sup>(9)</sup>	52 <sup>(9)</sup>
Nitrobenzene	98953	17	690		
Polychlorinated Biphenyls, PCBs <sup>(2)(5)(7)(11)</sup>		0.000064	0.000064		0.014
Pentachlorophenol	87865	0.27	3.0	19 <sup>(8)</sup>	15 <sup>(8)</sup>
Phenanthrene <sup>(6)</sup>	85018				
Phenol	108952	21,000	1,700,000		
Pyrene <sup>(6)</sup>	12900	830	4,000		
Selenium <sup>(7)</sup>	7782492	170	4,200	<sup>(12)</sup>	4.6 <del>5.0</del>
Silver	7440224			3.2 <sup>(9)</sup>	
1,2,4-Trichlorobenzene	120821	35	70		
1,1,2,2-Tetrachloroethane <sup>(5)</sup>	79345	0.17	4.0		
Tetrachloroethylene <sup>(6)</sup>	127184	0.69	3.3		
Thallium	7440280	0.24	0.47		
Toluene	108883	1,300	15,000		
Toxaphene <sup>(5)</sup>	8001352	0.00028	0.00028	0.73	0.0002
1,2-Trans-Dichloroethylene	156605	140	10,000		
1,1,1-Trichloroethane	71556				
1,1,2-Trichloroethane <sup>(5)</sup>	79005	0.59	16		
Trichloroethylene <sup>(5)</sup>	79016	2.5	30		
2,4,6-Trichlorophenol <sup>(5)</sup>	88062	1.4	2.4		
Vinyl Chloride <sup>(5)</sup>	75014	0.025	2.4		
Zinc	7440666	7,400	26,000	120 <sup>(9)</sup>	120 <sup>(9)</sup>

**SOUTH DAKOTA  
Surface Water Quality Standards<sup>(1)</sup>  
for Toxic Pollutants**

- (1) The aquatic life values for arsenic, cadmium, chromium (III), chromium (VI), copper, lead, mercury (acute), nickel, selenium, silver and zinc given in this document refer to the dissolved amount of each substance unless otherwise noted. All surface water discharge permit effluent limits for metals shall be expressed and measured in accordance with § 74:52:03:16.
- (2) Apply to the beneficial uses as designated but do not supersede those standards for certain toxic pollutants as previously established in §§ 74:51:01:31, 74:51:01:32, 74:51:01:44 to 74:51:01:54, inclusive, and § 74:51:01:56.
- (3) Based on two routes of exposure - ingestion of contaminated aquatic organisms and drinking water.
- (4) Based on one route of exposure - ingestion of contaminated aquatic organisms only.
- (5) Substance classified as a carcinogen with the value based on an incremental risk of one additional instance of cancer in one million persons ( $10^{-6}$ ).
- (6) Chemicals which are not individually classified as carcinogens but which are contained within a class of chemicals with carcinogenicity as the basis for the criteria derivation for that class of chemicals; an individual carcinogenicity assessment for these chemicals is pending.
- (7) Also applies to all waters of the state.
- (8) pH-dependent criteria. Value given is an example only and is based on a pH of 7.8. Criteria for each case must be calculated using the following equation taken from National Recommended Water Quality Criteria: 2002 (EPA-822-R-02-047, November 2002):

***Pentachlorophenol (PCP), ug/L***

$$\text{Chronic} = e^{[1.005(\text{pH}) - 5.134]}$$

$$\text{Acute} = e^{[1.005(\text{pH}) - 4.869]}$$

- (9) Hardness-dependent criteria in ug/L. Value given is an example only and is based on a  $\text{CaCO}_3$  hardness of 100 mg/L. Criteria for each case must be calculated using the following equations taken from National Recommended Water Quality Criteria: 2002 (EPA-822-R-02-047, November 2002):

***Cadmium, ug/L***

$$\text{Chronic} = (*0.909)e^{(0.7409[\ln(\text{hardness})]-4.719)} \quad \text{Acute} = (*0.944)e^{(1.0166[\ln(\text{hardness})]-3.924)}$$

\*Conversion factors are hardness-dependent. The values shown are with a hardness of 100 mg/L as calcium carbonate ( $\text{CaCO}_3$ ). Conversion factors (CF) for any hardness can be calculated using the following equations:

$$\text{Chronic: CF} = 1.101672 - [(\ln \text{hardness})(0.041838)]$$

$$\text{Acute: CF} = 1.136672 - [(\ln \text{hardness})(0.041838)]$$

***Chromium (III), ug/L***

$$\text{Chronic} = (0.860)e^{(0.8190[\ln(\text{hardness})]+0.6848)} \quad \text{Acute} = (0.316)e^{(0.8190[\ln(\text{hardness})]+3.7256)}$$

***Copper, ug/L***

$$\text{Chronic} = (0.960)e^{(0.8545[\ln(\text{hardness})]-1.702)} \quad \text{Acute} = (0.960)e^{(0.9422[\ln(\text{hardness})]-1.700)}$$

***Lead, ug/L***

$$\text{Chronic} = (*0.791)e^{(1.273[\ln(\text{hardness})]-4.705)} \quad \text{Acute} = (*0.791)e^{(1.273[\ln(\text{hardness})]-1.460)}$$

\*Conversion factors are hardness-dependent. The values shown are with a hardness of 100 mg/L as calcium carbonate (CaCO<sub>3</sub>). Conversion factors (CF) for any hardness can be calculated using the following equations:

$$\text{Acute and Chronic: } CF = 1.46203 - [(\ln \text{ hardness})(0.145712)]$$

***Nickel, ug/L***

$$\text{Chronic} = (0.997)e^{(0.8460[\ln(\text{hardness})]+0.0584)} \quad \text{Acute} = (0.998)e^{(0.8460[\ln(\text{hardness})]+2.255)}$$

***Silver, ug/L***

$$\text{Acute} = (0.85)e^{(1.72[\ln(\text{hardness})]-6.59)}$$

***Zinc, ug/L***

$$\text{Chronic} = (0.986)e^{(0.8473[\ln(\text{hardness})]+0.884)} \quad \text{Acute} = (0.978)e^{(0.8473[\ln(\text{hardness})]+0.884)}$$

- (10) These criteria are based on the total-recoverable fraction of the metal.
- (11) This criterion applies to total pcbs, (e.g. the sum of congener or all isomer or homolog or Aroclor analyses).
- (12) The  $(0.996)CMC = 1/[f_1/CMC_1 + (f_2/CMC_2)]$  where  $f_1$  and  $f_2$  are the fractions of total selenium that are treated as selenite and selenate, respectively, and CMC1 and CMC2 are 185.9 µg/L and 12.82 µg/L, respectively.
- (13) This criterion for arsenic refers to the inorganic form only.

## CHAPTER 74:51:02

### USES ASSIGNED TO LAKES

#### Section

- 74:51:02:01 Beneficial use of fish and wildlife propagation, recreation, and stock watering assigned to lakes.
- 74:51:02:02 Beneficial uses of recreation assigned to some lakes.
- 74:51:02:03 Beneficial uses of lakes indicated by listings.
- 74:51:02:04 Aurora County, uses of certain lakes.
- 74:51:02:05 Beadle County, uses of certain lakes.
- 74:51:02:06 Bennett County, uses of certain lakes.
- 74:51:02:07 Bon Homme County, uses of certain lakes.
- 74:51:02:08 Brookings County, uses of certain lakes.
- 74:51:02:09 Brown County, uses of certain lakes.
- 74:51:02:10 Brule County, uses of certain lakes.
- 74:51:02:11 Buffalo County, uses of certain lakes.
- 74:51:02:12 Butte County, uses of certain lakes.
- 74:51:02:13 Campbell County, uses of certain lakes.
- 74:51:02:14 Charles Mix County, uses of certain lakes.
- 74:51:02:15 Clark County, uses of certain lakes.
- 74:51:02:16 Clay County, uses of Burbank Lake.
- 74:51:02:17 Codington County, uses of certain lakes.
- 74:51:02:18 Corson County, uses of certain lakes.
- 74:51:02:19 Custer County, uses of certain lakes.
- 74:51:02:20 Davison County, uses of Mitchell Lake.
- 74:51:02:21 Day County, uses of certain lakes.
- 74:51:02:22 Deuel County, uses of certain lakes.
- 74:51:02:23 Dewey County, uses of certain lakes.
- 74:51:02:24 Douglas County, uses of certain lakes.
- 74:51:02:25 Edmunds County, uses of certain lakes.
- 74:51:02:26 Fall River County, uses of certain lakes.
- 74:51:02:27 Faulk County, uses of certain lakes.
- 74:51:02:28 Grant County, uses of certain lakes.
- 74:51:02:29 Gregory County, uses of certain lakes.
- 74:51:02:30 Haakon County, uses of certain lakes.
- 74:51:02:31 Hamlin County, uses of certain lakes.
- 74:51:02:32 Hand County, uses of certain lakes.
- 74:51:02:33 Hanson County, uses of certain lakes.
- 74:51:02:34 Harding County, uses of certain lakes.
- 74:51:02:35 ~~Hughes County, uses of Woodruff Lake~~ **Repealed.**
- 74:51:02:36 Hutchinson County, uses of certain lakes.
- 74:51:02:37 Hyde County, uses of certain lakes.
- 74:51:02:38 Jackson County, uses of certain lakes.
- 74:51:02:39 Jerauld County, uses of Crow Lake.
- 74:51:02:40 Jones County, uses of certain lakes.
- 74:51:02:41 Kingsbury County, uses of certain lakes.

74:51:02:42	Lake County, uses of certain lakes.
74:51:02:43	Lawrence County, uses of certain lakes.
74:51:02:44	Lincoln County, uses of certain lakes.
74:51:02:45	Lyman County, uses of certain lakes.
74:51:02:46	McCook County, uses of certain lakes.
74:51:02:47	McPherson County, uses of certain lakes.
74:51:02:48	Marshall County, uses of certain lakes.
74:51:02:49	Meade County, uses of certain lakes.
74:51:02:50	Mellette County, uses of certain lakes.
74:51:02:51	Miner County, uses of Carthage Lake.
74:51:02:52	Minnehaha County, uses of certain lakes.
74:51:02:53	Moody County, uses of certain lakes.
74:51:02:54	Pennington County, uses of certain lakes.
74:51:02:55	Perkins County, uses of certain lakes.
74:51:02:56	Potter County, uses of certain lakes.
74:51:02:57	Roberts County, uses of certain lakes.
74:51:02:58	Sanborn County, uses of certain lakes.
74:51:02:59	Shannon County, uses of certain lakes.
74:51:02:60	Spink County, uses of certain lakes.
74:51:02:61	Stanley County, uses of certain lakes.
74:51:02:62	Sully County, uses of certain lakes.
74:51:02:63	Todd County, uses of certain lakes.
74:51:02:64	Tripp County, uses of certain lakes.
74:51:02:65	Turner County, uses of certain lakes.
74:51:02:66	Union County, uses of certain lakes.
74:51:02:67	Walworth County, uses of certain lakes.
74:51:02:68	Yankton County, uses of certain lakes.
74:51:02:69	Ziebach County, uses of certain lakes.

**Cross-Reference:** Definitions, § 74:51:01:01.

**74:51:02:08. Brookings County, uses of certain lakes.** Lakes in Brookings County covered by §§ 74:51:02:02 and 74:51:02:03 are Campbell (6), East 81 Lake (4), Goldsmith (6), Hendricks (5), Johnson Pond, also known as Interstate Lake (5), Oak (6), East Oakwood (5), North Oakwood, also known as Johnson Lake (5), West Oakwood, also known as Tetonkaha (5), and Sinai (4).

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:03:08, effective July 1, 1979; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:03:08, July 1, 1996; 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:02:11. Buffalo County, uses of certain lakes.** ~~Lakes in Buffalo County covered by §§ 74:51:02:02 and 74:51:02:03 are Bedashosha (5) and Koch (5)~~ In addition to the beneficial uses designated in §§ 74:51:02:01 to 74:51:02:03, inclusive, Koch Lake in Buffalo County is assigned the beneficial use of warmwater semipermanent fish life propagation (5).

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:03:11, effective July 1, 1979; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:03:03:11, July 1, 1996.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:02:21. Day County, uses of certain lakes.** Lakes in Day County covered by §§ 74:51:02:02 and 74:51:02:03 are Amsden (4), Anderson (6), ~~Bitter (4)~~, Blue Dog (4), Campbell Slough (6), Enemy Swim (4), Minnewasta (5), North Waubay (5), Pickerel (4), Pierpont (4), Rush (6), and South Waubay (5).

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:03:21, effective July 1, 1979; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:03:21, July 1, 1996; 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:02:25. Edmunds County, uses of certain lakes.** Lakes in Edmunds County covered by §§ 74:51:02:02 and 74:51:02:03 are Bowdle-Hosmer (6), Kraft (6), Loyaltan (Stafford) (5), North Scatterwood (6), Mina (Parmley) (~~4~~), Picton (6), and Rosette (6).

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:03:25, effective July 1, 1979; 7 SDR 77, effective February 19, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:03:03:25, July 1, 1996.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:02:26. Fall River County, uses of certain lakes.** Lakes in Fall River County covered by §§ 74:51:02:02 and 74:51:02:03 are Angostura (~~4~~,4,10), Bochart (6), Coffee (5), Coldbrook (~~4~~,2), Cottonwood Springs (~~4~~,4), Crow (5), Dukes (4), Ebersol (5), Upper Edgemont Airport Pond (3), Lower Edgemont Airport Pond (5), Ellison (5), Fiddle Creek Dam (4), Five (5), Indians, South 1 (4), Limestone Butte, also known as Oelrichs Dam (6), Old Pioneer (5), Otto (2), Ray (5), Sandoz (6), Sherberth (5), Sides (5), South East Highway Canyon (5), Vanderberg (5), White (5), and Williams (5).

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:03:26, effective July 1, 1979; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:03:26, July 1, 1996; 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:02:35. Hughes County, uses of Woodruff Lake.** ~~In addition to the beneficial uses designated in §§ 74:51:02:01 to 74:51:02:03, inclusive, Woodruff Lake in Hughes County is assigned the beneficial use of warmwater semipermanent fish life propagation (5)~~ ~~Repealed.~~

**Source:** SL 1975, ch 16, § 1; transferred from § 34:04:03:35, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:03:03:35, July 1, 1996.

**General Authority:** ~~SDCL 34A-2-93.~~

**Law Implemented:** ~~SDCL 34A-2-10, 34A-2-11.~~

**74:51:02:40. Jones County, uses of certain lakes.** Lakes in Jones County covered by §§ 74:51:02:02 and 74:51:02:03 are Draper Dam (5), Murdo (~~+~~4), Murdo Railroad Dam (5), National Grasslands Trout Dam (3), Okaton (5), and Richland (4).

**Source:** SL 1975, ch 16, § 1; transferred from § 34:04:03:40, effective July 1, 1979; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 23, 1993; transferred from § 74:03:03:40, July 1, 1996.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:02:41. Kingsbury County, uses of certain lakes.** Lakes in Kingsbury County covered by §§ 74:51:02:02 and 74:51:02:03 are Agnew (6), Albert (6), Arlington Kid's Pond (6), Badger (6), Cherry (6), Henry (6), Iroquois (6), Osceola (6), Spirit (6), Thistad (6), Thompson (4), West 81 (Twin) Lake (4), and Whitewood (6).

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:03:41, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:03:41, July 1, 1996.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:02:43. Lawrence County, uses of certain lakes.** Lakes in Lawrence County covered by §§ 74:51:02:02 and 74:51:02:03 are Columbia (3), Coxes (1,2), Dalton (2), Dumont Ponds (3), Iron Creek (~~+~~2), Mirror 1 & 2 (~~+~~2), Reausaw (3), Roubaix (2), Strawberry (3), ~~and~~ Swede Gulch Beaver Pond (3) and Yates Ponds (2).

**Source:** SL 1975, ch 16, § 1; transferred from § 34:04:03:43, effective July 1, 1979; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:03:43, July 1, 1996.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:02:45. Lyman County, uses of certain lakes.** Lakes in Lyman County covered by §§ 74:51:02:02 and 74:51:02:03 are Brakke (4), Byre (~~+~~4), Dybing (4), Fate (4), Fenenga (6), Jackson (6), Kennebec (6), Knudtson (5), Larson (5), National Grasslands Dam (Ft. Pierre National Grassland) (4), and Reliance (4).

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:03:45, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:03:45, July 1, 1996.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:02:48. Marshall County, uses of certain lakes.** Lakes in Marshall County covered by §§ 74:51:02:02 and 74:51:02:03 are Abraham (6), Almos (6), Buffalo, North (5), Buffalo, South (5), Bullhead (5), Cattle/Kettle Lake System (6), Clear (4), Cottonwood (5), Crystal, also known as Howley (6), DuMarce (6), Emma (6), Flat (6), Four Mile (6), Goodbird (6), Grays, also known as Grey (6), Hickman (5), High (5), Hills (6), Hoop (6), Horseshoe (6), Isabella (6), Island (6), Long (6), Lost (6), Martha (6), Mud (6), Nine Mile (5), Red Iron, North (6), Red Iron, South (4), Roy (4), Sarah (6), Simons (6), Six Mile (6), Turtle Foot (6), Two Island (6), and White (+4).

**Source:** SL 1975, ch; 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:03:48, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:03:48, July 1, 1996; 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:02:52. Minnehaha County, uses of certain lakes.** Lakes in Minnehaha County covered by §§ 74:51:02:02 and 74:51:02:03 are Baltic (6), Beaver (6), Clear (6), Covell (6), Dell Rapids (6), Diamond (5), Garretson (6), Grass (6), Island (5), Loss (6), Lost (6), Scott (6), Twin Lakes (4), and Wall (5).

**Source:** SL 1975, ch 16, § 1; transferred from § 34:04:03:52, effective July 1, 1979; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:03:52, July 1, 1996.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:02:54. Pennington County, uses of certain lakes.** Lakes in Pennington County covered by §§ 74:51:02:02 and 74:51:02:03 are Big Foot (6), Bloom (5), Bruce (5), Canyon (1,2), Caspers Dam (5), Cement Plant (2), Conata (6), Deerfield (2), Eisenbraum (6), Farmingdale Dam (5), Farmingdale National Grasslands (3), Gage (5), Hamann (5), Hanlon (3), Hoffman (5), Horsethief (2), Imby (6), Johnson (6), Kellam Dam (5), Koopman Dam (3), Major (3), Mako Sica (5), Missile Allotment (4), Newton Fork (2), New Underwood (4), New Wall No. 1 (4), North White Water (4), Old Wall (+5), Owonka (6), Pactola (1,2,10), Pierce (5), Quinn Dam (5), Quinn Township Dam (5), Rapid City (5), Richardson (6), Roosevelt Pond (5), Scanlon (3), Schroeder (6), Schulte (5), Sheridan (2), Slate Creek (3), Smith Dam (5), Table 71 Dam (5), Tennyson Dam (5), Teuber Dam (5), U.S.D.A. Trout Dam (3), White (5), and Wicksville (4).

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:03:54, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:03:03:54, July 1, 1996; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:02:55. Perkins County, uses of certain lakes.** Lakes in Perkins County covered by §§ 74:51:02:02 and 74:51:02:03 are Ada Dam (6), Coal Springs (4), Cole (4), Dam No. 73 (on National Grassland) (3), Flat Creek (5), Imogene (6), Jensen (3), Johnson (3), Lemon Lemmon

State (5), Lewton (5), Marshfield (5), Meadow (6), Owens (5), Peck (6), Perkins (5), Reidy (6), Rowhotham (5), Seymour (6), Shadehill (4,10), Sorum Dam (5), Strool (5), Viking (5), Vobedja (6), Week's Dam (3), White Butte (6), and Whitehill (5).

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:03:55, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:03:03:55, July 1, 1996.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:02:58. Sanborn County, uses of certain lakes.** Lakes in Sanborn County covered by §§ 74:51:02:02 and 74:51:02:03 are Letcher (6), ~~Long (6)~~, Prior (6), and Twin (5).

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:03:58, effective July 1, 1979; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:03:58, July 1, 1996.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

## CHAPTER 74:51:03

### USES ASSIGNED TO STREAMS

#### Section

- 74:51:03:01 Beneficial uses of South Dakota streams to include irrigation and fish and wildlife propagation, recreation, and stock watering.
- 74:51:03:02 Beneficial uses of stream segments indicated by listings.
- 74:51:03:03 Segment boundaries described.
- 74:51:03:04 Minnesota River's tributaries' uses.
- 74:51:03:05 Missouri River and certain small tributaries' beneficial uses.
- 74:51:03:06 Bad River and certain tributaries' uses.
- 74:51:03:07 Big Sioux River and certain tributaries' uses.
- 74:51:03:08 Cheyenne River and certain tributaries' uses.
- 74:51:03:09 Battle Creek and certain tributaries' uses.
- 74:51:03:10 The Belle Fourche River and certain tributaries' uses.
- 74:51:03:11 Box Elder Creek and certain tributaries' uses.
- 74:51:03:12 Elk Creek and certain tributaries' uses.
- 74:51:03:13 Fall River and certain tributaries' uses.
- 74:51:03:14 French Creek and certain tributaries' uses.
- 74:51:03:15 Lame Johnny Creek and certain tributaries' uses.
- 74:51:03:16 Pleasant Valley Creek and certain tributaries' uses.
- 74:51:03:17 Rapid Creek and certain tributaries' uses.
- 74:51:03:18 Spring Creek and certain tributaries' uses.
- 74:51:03:19 Grand River and certain tributaries' uses.
- 74:51:03:20 James River and certain tributaries' uses.
- 74:51:03:21 Little Missouri River and certain tributaries' uses.
- 74:51:03:22 Moreau River and certain tributaries' uses.
- 74:51:03:23 Little Moreau River's uses.

- 74:51:03:24 Niobrara's tributaries' uses.  
 74:51:03:25 Vermillion River and certain tributaries' uses.  
 74:51:03:26 White River and certain tributaries' uses.  
 74:51:03:27 Red River of the North's tributaries' uses.

**Cross-Reference:** Definitions, § 74:51:01:01.

**74:51:03:04. Minnesota River's tributaries' uses.** Stream segments covered by § 74:51:03:02 include the following tributaries of the Minnesota River:

Water Body	From	To	Beneficial Uses	County
West Fork Lac Qui Parle River, also known as Gary Creek	South Dakota border	S8, T115N, R47W of the fifth principal meridian.	3,8	Deuel
Florida Creek, also known as Cobb Creek	South Dakota border	S19, T115N, R47W	<del>3</del> 4,8	Deuel
Jorgenson River	Little Minnesota River	<del>S21</del> 5, T124N, R50	6,8	Roberts
Monighan Creek	South Dakota border	S31, T116N, R48W	3,8	Deuel
Whetstone River	South Dakota-Minnesota border	the confluence of its north and south forks	5,8	Grant
North Fork Whetstone River	Whetstone River	S.D. Highway 15	6,8	Roberts
Substation Creek	North Fork Whetstone River	U.S. Highway 81	3,8	Roberts
South Fork Whetstone River	Whetstone River	S22, T120N, R51W	6,8	Grant
North Fork Yellow Bank River	South Dakota-Minnesota border	S27, T120N, R48W	4,8	Grant
South Fork Yellow Bank River	South Dakota-Minnesota Border	S33, T118N, R49W	3,8	Grant
<u>Mud Creek</u>	<u>South Fork Yellow Bank River</u>	<u>S22, T118N, R48W</u>	<u>6,8</u>	<u>Grant</u>
Labolt Lake Creek	South Dakota-Minnesota Border	Labolt Lake outlet	5,8	Grant
Little Minnesota River	Big Stone Lake	S15, T128N, R52W	5,8	Roberts
Seiche Hollow Creek	Little Minnesota River	S36, T127N, R53W	3,8	Roberts

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:04:03, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:04:03, July 1, 1996; 24 SDR 10, effective July 20, 1997; 32 SDR 38, effective September 6, 2005.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:03:06. Bad River and certain tributaries' uses.** Stream segments of the Bad River and certain tributaries covered by § 74:51:03:02 include the following:

Water Body	From	To	Beneficial Uses	County
Bad River	Missouri River	confluence with North and South Forks	6,8	Haakon
<u>Grindstone Creek</u>	<u>Bad River</u>	<u>Lake Waggoner outlet</u>	<u>6,8</u>	<u>Haakon</u>
North Fork Bad River	Bad River	S23, R18E, T2N	6,8	Haakon
South Fork Bad River	the mainstem Bad River	Cottonwood Creek	6,8	Jackson

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:04:05, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:03:04:05, July 1, 1996; 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:03:07. Big Sioux River and certain tributaries' uses.** Stream segments of the Big Sioux River and certain tributaries covered by § 74:51:03:02 include the following:

Water Body	From	To	Beneficial Uses	County
Big Sioux River	Missouri River	Sioux Falls Diversion Ditch	5,7,8	Minnehaha
Big Sioux River	Sioux Falls Diversion Ditch	S2, T104N, R49W of the fifth principal meridian	1,5,7,8	Minnehaha
<u>Big Sioux River</u>	<u>S2, T104N, R49W</u>	<u>Brookings-Moody County Line</u>	<u>1,5,8</u>	<u>Brookings/Moody</u>
Big Sioux River	<del>S2, T104N, R49W</del> <u>Brookings-Moody County Line</u>	Lake Kampeska	<del>1,5,8</del>	Codington
Big Sioux River	Lake Kampeska	S28, T121N, R52W	5,8	Grant
Bachelor Creek	Big Sioux River	S28, T106N, R50W	6,8	Moody
Battle Creek	Big Sioux River	S16, T107N, R52W	6,8	Lake
Beaver Creek (Lincoln County)	Big Sioux River	S9, T98N, R49W	6,8	Lincoln
Beaver Creek (Minnehaha County)	Split Rock Creek	South Dakota - Minnesota border	6,8	Minnehaha
Four Mile Creek	Beaver Creek (Minnehaha County)	South Dakota - Minnesota border	6,8	Minnehaha
Springwater Creek	Beaver Creek (Minnehaha County)	South Dakota - Minnesota border	6,8	Minnehaha

Water Body	From	To	Beneficial Uses	County
Big Ditch Creek	Big Sioux River	S1,T91N, R50W	5,8	Union
Big Ditch Creek	S1,T91, R50W	S21, T92N, R50W	6,8	Union
Brule Creek	Big Sioux River	confluence of its east and west forks	6,8	Union
East Brule Creek	confluence with Brule Creek	S3, T95N, R49W	6,8	Union
Flandreau Creek	Big Sioux River	Minnesota Border	6,8	Moody
Hidewood Creek	Big Sioux River	U.S. Highway 77	6,8	Deuel
Medary Creek	Big Sioux River	South Dakota - Minnesota border	6,8	Brookings
Deer Creek	Medary Creek	S30, T111N, R47W	6,8	Brookings
Nine Mile Creek	Big Sioux River	Lake Alvin	6,8	Lincoln
No Name Creek, also known as Brookfield Creek, (Brookings and Moody Counties)	Big Sioux River	S22, T104N, R48W	6,8	Brookings
Owens Creek	Blue Dog Lake	S17, T122N, R52W	4,8	Roberts
<u>Pattee Creek</u>	<u>Big Sioux River</u>	<u>Lake Lakota outlet</u>	<u>5,8</u>	<u>Lincoln</u>
Peg Munky Run	Big Sioux River	S17, T113N, R50W	6,8	Deuel
Pickrel Creek (Day County)	Pickrel Lake	Waubay Lake	6,8	Day
Park Creek	Bourne Slough	Silver Creek	6,8	Lake
Silver Creek	Park Creek	Lake Herman	6,8	Lake
Six Mile Creek	Big Sioux River	S30, T112N, R48W	6,8	Brookings
College Creek	Big Sioux River	S12, T110N, R50W	6,8	Brookings
North Deer Creek	Six Mile Creek	U.S. Highway 77	6,8	Deuel
Skunk Creek	Big Sioux River	outlet of Brant Lake	6,8	Lake
Unnamed tributary Skunk Creek	Skunk Creek	S21, T102N, R51W	6,8	Minnehaha
Willow Creek	Skunk Creek	S16, T102N, R50W	6,8	Minnehaha
Split Rock Creek	Big Sioux River	Minnesota border	5,7,8	Minnehaha
West Pipestone Creek	Split Rock Creek	S33, T105N, R48W	6,8	Minnehaha
Unnamed tributary of West Pipestone Creek	West Pipestone Creek	Confluence with an unnamed tributary in S9, T103N, R48W	5,8	Minnehaha
Unnamed tributary	Unnamed tributary of West Pipestone Creek	EROS outfall in S8, T103N, R48W	5,8	Minnehaha
Slip-Up Creek	Big Sioux River	Minnehaha/Moody County line	6,8	Minnehaha /Moody
Pipestone Creek	Split Rock Creek	Minnesota border	5,7,8	Minnehaha
Strayhorse Creek	Big Sioux River	S26, T116N, R51W	6,8	Codington
Spring Creek (Moody County)	Big Sioux River	S22, T109, R47W	6,8	Brookings
Jack Moore Creek	Big Sioux River	S33, T107N, R49W	6,8	Moody

Water Body	From	To	Beneficial Uses	County
Union Creek	Big Sioux River	confluence with East and West Forks	6,8	Union
Unnamed Tributary (Grant County)	Big Sioux River	U.S. Highway 81	6,8	Grant
Willow Creek	Big Sioux River	S7, T117N, R50W	6,8	Deuel

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:04:06, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:04:06, July 1, 1996; 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004; 32 SDR 38, effective September 6, 2005.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:03:08. Cheyenne River and certain tributaries' uses.** Stream segments of the Cheyenne River and certain tributaries covered by § 74:51:03:02 include the tributaries listed in §§ 74:51:03:09 to 74:51:03:18, inclusive, and the following:

Water Body	From	To	Beneficial Uses	County
Cheyenne River	Lake Oahe	confluence with the Belle Fourche River	4,7,8	Meade
Cheyenne River	confluence with the Belle Fourche River	confluence with the Fall River	5,7,8	Fall River
Cheyenne River	confluence with the Fall River	Angostura Reservoir	4,7,8	Fall River
Cheyenne River	Angostura Reservoir	Wyoming border	5,8	Fall River
Bear Creek	Cheyenne River	S26, T3S, R13E of the Black Hills meridian	6,8	Pennington
Beaver Creek (Custer and Fall River Counties)	Cheyenne River	Wyoming border	<del>3</del> 5,8	Custer
Beaver Creek	Cheyenne River	S.D. Highway 79	4,8	Custer
Beaver Creek	S.D. Highway 79	S13, T5S, R4E	2,8	Custer
Beaver Creek (Stockade Beaver)	Wyoming border	S5, T1N, R1E	2,8	Pennington
Cascade Creek	Cheyenne River	headwaters	<del>2</del> 3,7,8	Fall River
Cedar Canyon Creek	Cheyenne River	S23, T8S, R4E	3,8	Fall River
Cherry Creek	Cheyenne River	confluence with Sulphur Creek	6,8	Meade
Red Scaffold Creek	Cherry Creek	Beaver Creek	6,8	Ziebach
Beaver Creek	Red Scaffold Creek	S24, T12N, R16E	6,8	Meade
Beaver Dam Creek and	Cherry Creek	S24, T12N, R13E	6,8	Meade

Water Body	From	To	Beneficial Uses	County
East Fork				
West Fork Beaver Dam Creek	Cherry Creek	S21, T12N, R13E	6,8	Meade
Red Owl Creek	Cherry Creek	confluence with White Owl Creek	6,8	Meade
Sulphur Creek	Cherry Creek	South Fork Sulphur Creek	6,8	Meade
North Fork Sulphur Creek	Sulphur Creek	S18, T11N, R8E	6,8	Butte
South Fork Sulphur Creek	Sulphur Creek	S8, T10N, R10E	6,8	Meade
Pine Creek	Sulphur Creek	S18, T11N, R12E	6,8	Meade
Unnamed Creek	Cherry Creek	S34, T12N, R15E	6,8	Meade
Deep Creek	Cheyenne River	S31, T4N, R17E	6,8	Pennington
Hat Creek	Cheyenne River	Nebraska border	5,8	Fall River
Hell Canyon Creek	Cheyenne River	S21, T8S, R4E	3,8	Fall River
Horsehead Creek	Angostura Reservoir	S27, T11S, R7E	5,8	Fall River
Beef Creek	Horsehead Creek	S29, T10S, R6E	6,8	Fall River
Highland Creek	Wind Cave National Park Boundary	S6, T5S, R6E	2,8	Custer
Mixes Food Creek	Cheyenne River	S24, T4N, R17E	6,8	Pennington
Cedar Breaks Creek	Cheyenne River	S36, T5N, R15E	6,8	Pennington
Plum Creek	Cheyenne River	West Fork Plum Creek	6,8	Haakon
West Fork Plum Creek	Plum Creek	S22, T5N, R21E	6,8	Haakon

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:04:07, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1987; transferred from § 74:03:04:07, July 1, 1996; 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004; 32 SDR 38, effective September 6, 2005.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:03:10. The Belle Fourche River and certain tributaries' uses.** Stream segments of the Belle Fourche River and certain tributaries covered by § 74:51:03:02 include the following:

Water Body	From	To	Beneficial Uses	County
Belle Fourche River	Cheyenne River	Wyoming Border	4,7,8	Butte
Alkali Creek	Interstate 90	S4, T4N, R5E of the Black Hills meridian	1,3,8	Meade
Bear Butte Creek	Belle Fourche River	Route 79	3,8	Meade
Bear Butte Creek	Route 79	Deadman Creek	2,8	Meade

<b>Water Body</b>	<b>From</b>	<b>To</b>	<b>Beneficial Uses</b>	<b>County</b>
Bear Butte Creek	Deadman Creek	S2, T4N, R4E	3,8	Lawrence
Bear Butte Creek and its south fork	S2, T4N, R4E	S22, T4N, R3E	2,8	Lawrence
Boulder Creek	Bear Butte Creek	Two Bit Creek	3,8	Lawrence
Two Bit Creek	Boulder Creek	S30, T5N, R4E	3,8	Lawrence
North Fork of Bear Butte Creek	Bear Butte Creek	S14, T4N, R3E	3,8	Lawrence
Park Creek	Bear Butte Creek	S11, T4N, R4E	3,8	Lawrence
Spring Creek	Bear Butte Creek	S14, T6N, R5E	3,8	Meade
Strawberry Creek	Bear Butte Creek	S5, T4N, R4E	3,8	Lawrence
Vanocker Creek	Bear Butte Creek	S32, T5N, R5E	3,8	Meade
Crow Creek (Butte County)	Orman Canal	Wyoming border	6,8	Butte
Elm Creek	Belle Fourche River	S8, T8N, R10E	6,8	Meade
East Elm Creek	Elm Creek	S10, R7N, R11E	6,8	Meade
Hay Creek (Butte County)	Redwater River	Wyoming border	6,8	Butte
Hay Creek (Meade County)	Belle Fourche River	S.D. Highway 34	6,8	Meade
Horse Creek	Belle Fourche River	Indian Creek	5,8	Butte
Horse Creek	confluence of Indian Creek	S29, T10N, R5E	6,8	Butte
Indian Creek	Horse Creek	confluence with North Fork and South Fork Indian Creeks	5,8	Butte
North Fork Indian Creek	Indian Creek	S5, T12N, R2E	6,8	Butte
South Fork Indian Creek	Indian Creek	S4, T12N, R1E	6,8	Butte
Owl Creek	Belle Fourche River	Orman Dam	6,8	Butte
Owl Creek	Belle Fourche Reservoir	S16, T11N, R1E	6,8	Butte
Redwater River	Belle Fourche River	U.S. Highway 85	3,8	Butte\ Lawrence
Redwater River	U.S. Highway 85	Wyoming border	2,8	Butte\ Lawrence
Spring Creek	Redwater River	S13, T7N, R2E	3,8	Lawrence
Bear Gulch Creek	Wyoming border	S6, T5N, R1E	2,8	Lawrence
Cold Springs Creek	Wyoming border	S13, T2N, R1E	2,8	Pennington
Cold Creek	Cold Springs Creek	S23, T2N, R1E	3,8	Pennington
Crow Creek	Redwater River	S22, T6N, R1E	2,8	Lawrence
Beaver Creek (north)	Crow Creek	S20, T5N, R1E	2,8	Lawrence
<u>Unnamed tributary of Crow Creek</u>	<u>Crow Creek</u>	<u>McNenney outfall 002 in S21, T7N,</u>	<u>2,8</u>	<u>Lawrence</u>

Water Body	From	To	Beneficial Uses	County
		<u>R1E</u>		
Potato Gulch Creek	Beaver Creek (north)	S30, T5N, R1E	2,8	Lawrence
Chicken Creek	Redwater River	U.S. Highway 14	2,8	Lawrence
False Bottom Creek	Redwater River	S23, T7N, R3E	2,8	Lawrence
False Bottom Creek	S23, T7N,R3E	S26, T5N, R2E	3,8	Lawrence
Burno Gulch Creek	False Bottom Creek	S14, T5N, R2E	3,8	Lawrence
Columbia Dam Creek	False Bottom Creek	headwaters	3,8	Lawrence
Tetro Creek	False Bottom Creek	S6, T5N, R3E	3,8	Lawrence
Lake Creek	Redwater River	S21, T7N, R1E	2,8	Lawrence
Spearfish Creek	Redwater River	Homestake Hydro-electric Plant discharge (Spearfish Plant) in S15, T6N, R2E	1,2,7,8	Lawrence
Spearfish Creek	Homestake Hydro-electric Plant at Spearfish in S15, T6N, R2E	<u>Homestake Hydro-electric Plant intake dam, known as Maurice, in S8, T5N, R2E</u> <u>Spearfish City intake dam in S33, T6N, R2E</u>	3,8	Lawrence
<u>Spearfish Creek</u>	<u>Spearfish City intake dam in S33, T6N, R2E</u>	<u>Homestake Hydro-electric Plant intake dam, known as Maurice, in S8, T5N, R2E</u>	<u>2,8</u>	<u>Lawrence</u>
Spearfish Creek	Homestake Hydro-electric Plant intake dam, known as Maurice, in S8, T5N, R2E	Intake Gulch	1,2,7,8, <u>11</u>	Lawrence
Rubicon Gulch	Spearfish Creek	S14, T5N, R2E	3,8	Lawrence
Annie Creek	Spearfish Creek	S3, T4N, R2E	3,8	Lawrence
Higgins Gulch Creek	Spearfish Creek	S34, T6N, R1E	2,8	Lawrence
Hanna Creek (east fork of Spearfish Creek)	Spearfish Creek	S6, T3N, R3E	2,8	Lawrence
Ward Draw Creek	Hanna Creek	S16, T3N, R2E	1,2,8	Lawrence
Ice Box Gulch Creek	Spearfish Creek	S24, T4N, R2E	3,8	Lawrence
Iron Creek	Spearfish Creek	Iron Creek Lake	2,8	Lawrence
Deer Creek	Iron Creek	S21, T5N, R1E	2,8	Lawrence
Pettigrew Gulch Creek	Iron Creek	S33, T5N, R1E	3,8	Lawrence

Water Body	From	To	Beneficial Uses	County
Tollgate Flats Creek	Deer Creek	S14, T5N, R1E	2,8	Lawrence
Little Spearfish Creek	Spearfish Creek	S16, T4N, R1E	2,8	Lawrence
Dry Gulch Creek	Little Spearfish Creek	S14, T4N, R1E	2,8	Lawrence
Cleopatra Creek	Spearfish Creek	confluence with East Branch Cleopatra Creek	2,7,8	Lawrence
Stinkingwater Creek	Belle Fourche River	S13, T8N, R4E	3,8	Butte
Willow Creek	Belle Fourche River	S10, T10N, R6E	6,8	Butte
Whitewood Creek	Belle Fourche River	Interstate 90	4,8	Lawrence
Whitewood Creek	Interstate 90	confluence with Gold Run Creek	3,7,8	Lawrence
Whitewood Creek	confluence with Gold Run Creek	S5, T4N, R3E (includes a reach sometimes called Kirk Creek)	2,7,8	Lawrence
Whitewood Creek	S5, T4N, R3E	S31, T4N, R3E	2,8	Lawrence
Fantail Creek	Whitetail Creek	S6, T4N, R3E	2,7,8	Lawrence
Nevada Gulch Creek	the confluence with Fantail Creek	S6, T4N, R3E	3,8	Lawrence
Whitetail Creek	Whitewood Creek	S18, T4N, R3E	2,7,8	Lawrence
Stewart Gulch Creek	Whitetail Creek	NW1/4, NW1/4, Sec. 7, T4N, R3E	2,8	Lawrence
Deadwood Creek	Whitewood Creek	S30, T5N, R3E	3,7,8	Lawrence
West Strawberry Creek	Whitewood Creek	S12, T4N, R3E	2,8	Lawrence
Grizzly Creek	West Strawberry Creek	S3, T4N, R3E	2,8	Lawrence
Yellow Creek	Whitewood Creek	S10, T4N, R3E	3,8	Lawrence

**Source:** SL 1975, ch 16, § 1; 2 SDR 17, effective September 9, 1975; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:04:09, effective July 1, 1979; 9 SDR 143, effective May 15, 1983; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:04:09, July 1, 1996; 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004; 32 SDR 38, effective September 6, 2005.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**Cross-References:** Modification of criteria for specific sites, § 74:51:01:24; Criteria for Whitewood Creek from Interstate 90 to its confluence with Gold Run Creek, § 74:51:01:56.

**74:51:03:20. James River and certain tributaries' uses.** Stream segments of the James River and certain tributaries covered by § 74:51:03:02 include the following:

Water Body	From	To	Beneficial Uses	County
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<b>Water Body</b>	<b>From</b>	<b>To</b>	<b>Beneficial Uses</b>	<b>County</b>
James River	Missouri River	Huron Third Street Dam	5,8	Beadle
James River	Huron Third Street Dam	James River Diversion Dam	1,5,8	Beadle
James River	James River Diversion Dam	North Dakota border	5,8	Brown
Beaver Creek	James River	Beaver Lake	6,8	Yankton
Cain Creek	James River	S33, T110N, <del>T</del> R63W of the fifth principal meridian	6,8	Beadle
Dawson Creek	James River	Lake Henry	6,8	Bon Homme
Elm River	James River	North Dakota border	1,5,8	Brown
Maple River	Elm River	North Dakota border	1,5,8	Brown
Enemy Creek	James River	S18, T102N, R60W	6,8	Davison
North Fork Enemy Creek	Enemy Creek	S36, T103N, R61W	6,8	Davison
Firesteel Creek	James River	confluence with West Fork Firesteel Creek	1,4,8	Davison
Firesteel Creek	confluence West Fork Firesteel Creek	S.D. Highway 34	1,5,8	Jerauld
West Fork Firesteel Creek	Firesteel Creek	Wilmarth Lake	1,6,8	Aurora
Foster Creek	James River	S6, T114N, R60W	6,8	Spink
North Fork Foster Creek	James River	U.S. Highway 212	6,8	Spink
Jim Creek	James River	S19, T106N, R59W	6,8	Sanborn
Johnson Creek	James River	Fulton Dam	6,8	Hanson
Lonetree Creek	James River	S31, T98N, R58W	6,8	Hutchinson
Dry Creek	James River	confluence with its north and south branches	6,8	Hutchinson
North Branch Dry Creek	Dry Creek	S27, T99N, R61W	6,8	Hutchinson
Morris Creek, also known as Dry Run Creek	James River	S10, T104N, R61W	6,8	Davison
Moccasin Creek	James River	S24, T123N, R64W	6,8	Brown
Foot Creek	Moccasin Creek	Richmond Dam	6,8	Brown
Mud Creek (Brown and Spink Counties)	James River	S.D. Highway 37	6,8	Brown
Mud Creek (Yankton County)	James River	S.D. Highway 46	6,8	Yankton
Pearl Creek	James River	S8, T109N, R60W	6,8	Beadle
Pierre Creek	James River	S11, T102N, R58W	5,8	Hanson

Water Body	From	To	Beneficial Uses	County
Plum Creek	James River	S30, T100N, R58W	6,8	Hutchinson
Redstone Creek	James River	S14, T107N, R60W	6,8	Sanborn
Rock Creek	James River	S9, T103N, R59W	6,8	Hanson
Sand Creek	James River	S32, T110N, R66W	5,8	Hand
Snake Creek	James River	confluence with South Fork Snake Creek	5,8	Spink
Snake Creek	confluence with the South Fork Snake Creek	S26, T124N, R66W	6,8	Edmunds
South Fork Snake Creek	confluence with Snake Creek	S23, T118N, R70W	6,8	Faulk
Shue Creek	James River	S23, T112N, R60W	6,8	Beadle
Turtle Creek	James River	S17, T113N, R65W	6,8	Beadle
Timber Creek	James River	S31, T118N, R61W	6,8	Spink
Twelve Mile Creek	James River	S11, T101N, R60W	6,8	Davison
South Fork Twelve Mile Creek	Twelve Mile Creek	S12, T100N, R61W	6,8	Hutchinson
Willow Creek	Elm River	S31, T126N, R65W	1,6,8	Brown
Wolf Creek (Spink and Hand Counties)	Turtle Creek	S10, T114N, R66W	6,8	Hand
Wolf Creek (Hutchinson, McCook, and Hanson Counties)	James River	S5, T103N, R56W	6,8	McCook

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; 6 SDR 59, effective December 16, 1979; transferred from § 34:04:04:19, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:04:19, July 1, 1996, 24 SDR 10, effective July 20, 1997; 29 SDR 107, effective February 2, 2003; 31 SDR 29, effective September 13, 2004.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:03:24. Niobrara's tributaries' uses.** Stream segments of the Niobrara River covered by § 74:51:03:02 include the following:

Water Body	From	To	Beneficial Uses	County
Keya Paha River	Nebraska Border	its confluence with Antelope Creek	1,5,8	Todd
Antelope Creek	Keya Paha River	S7, T38N, R28W of the sixth principal meridian	5,8	Todd

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:04:23, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:03:04:23, July 1, 1996, 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:03:25. Vermillion River and certain tributaries' uses.** Stream segments of the Vermillion River and certain tributaries covered by § 74:51:03:02 include the following:

Water Body	From	To	Beneficial Uses	County
Vermillion River	Missouri River	confluence of its east and west forks	5,8	Turner
West Fork Vermillion River	Vermillion River	McCook-Miner County Line	6,8	McCook\ Miner
Silver Lake Creek	West Fork Vermillion River	Silver Lake outlet	6,8	Turner
East Fork Vermillion River	Vermillion River	McCook-Lake County Line	6,8	McCook\ Lake
Blind Creek	Vermillion River	S22, T96N, R51W	6,8	Lincoln
Long Creek	Vermillion River	Highway 44	5.8	Lincoln
Long Creek	Highway 44	276 <sup>th</sup> Street	6.8	Turner
Saddle Creek	Long Creek	S17, T97N, R50W	6,8	Lincoln
Haram Creek	Saddle Creek	S23, T97N, R51W	6,8	Lincoln
Clay Creek	Clay County ditch	S.D. Highway 46	6,8	Yankton
<u>Norwegian Gulch Creek</u>	<u>Vermillion River</u>	<u>S36, T95N, R53W</u>	<u>5,8</u>	<u>Clay</u>
Turkey Creek	Clay County ditch	S.D. Highway 46	6,8	Yankton
Turkey Ridge Creek	Vermillion River	S31, T98N, R53W of the fifth principal meridian	6,8	Turner
Camp Creek	Vermillion River	S6, T99N, R52W	6,8	Turner

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:04:24, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:03:04:24, July 1, 1996, 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004; 32 SDR 38, effective September 6, 2005; 32 SDR 129, effective February 1, 2006.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:03:26. White River and certain tributaries' uses.** Stream segments of the White River and certain tributaries covered in § 74:51:03:02 include the following:

Water Body	From	To	Beneficial Uses	County
White River	Missouri River	Nebraska border	5,8	Shannon

<b>Water Body</b>	<b>From</b>	<b>To</b>	<b>Beneficial Uses</b>	<b>County</b>
South Fork White River (also known as the Little White River)	White River	S6, T36N, R39W of the sixth principal meridian	5,8	Bennett
Bear-In-The-Lodge Creek	White River	S30, T40N, R37W	6,8	Jackson
Black Pipe Creek	White River	Harris Lake	6,8	Mellette
Cedar Creek	Little White River	S18, T36N, R33W	5,8	Bennett
Cut-Meat Creek	Little White River	He Dog Lake	6,8	Todd
Dog Ear Creek	White River	confluence with Owl Creek	6,8	Tripp
Ironwood Creek	Little White River	Ironwood Lake	6,8	Todd
Lake Creek	Pool 7 in LaCreek National Wildlife Refuge	S23, T36N, R38W	4,8	Bennett
Medicine Root Creek	White River	Kyle Reservoir	6,8	Shannon
Moccasin Creek	White River	S34, T102N, R74W of the fifth principal meridian	6,8	Tripp
Oak Creek	White River	S.D. Highway 44	6,8	Mellette
Old Lodge Creek	White River	S36, T100N, R76W	6,8	Tripp
Pass Creek	White River	S2, T42N, R35W of the sixth principal meridian	6,8	Jackson
Porcupine Creek	White River	S30, T38N, R <del>31</del> 42W	6,8	Shannon
Rosebud Creek	Little White River	S34, T38N, R <del>42</del> 30W	3,8	Todd
Soldier Creek	Little White River	S13, T38N, R30W	3,8	Todd
Spring Creek	Little White River	Spring Creek Reservoir	3,8	Todd
White Clay Creek, also known as Clay Creek	White River	White Clay Reservoir	4,8	Shannon
Wounded Knee Creek	White River	Spring Creek	6,8	Shannon
Spring Creek	Wounded Knee Creek	S31, T36N, R42W	6,8	Shannon

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; 6 SDR 59, effective December 16, 1979; transferred from § 34:04:04:25, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1987; transferred from § 74:03:04:25, July 1, 1996, 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**74:51:03:27. Red River of the North's tributaries' uses.** Stream segments of the tributaries of the Red River of the North covered in § 74:51:03:02 include the following:

<b>Water Body</b>	<b>From</b>	<b>To</b>	<b>Beneficial Uses</b>	<b>County</b>
Bois de Sioux River	Lake Traverse	South Dakota-North Dakota-Minnesota border	5,8	Roberts
<u>Big Slough Creek</u>	<u>Bois de Sioux River</u>	<u>S13, T128N, R47W</u>	<u>5,8</u>	<u>Roberts</u>
Jim Creek	Lake Traverse	S13, T126N, R50W of the fifth principal meridian	6,8	Roberts

**Source:** SL 1975, ch 16, § 1; 4 SDR 32, effective December 4, 1977; transferred from § 34:04:04:26, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:03:04:26, July 1, 1996, 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**Note:** The Red River of the North is located in North Dakota.