**74:05:07:01.  Definitions.** Words defined in SDCL 46A-1-3 and 46A-2-4 have the same meaning when used in this chapter. In addition, terms used in this chapter mean:

(1)  "Applicant," the sponsoring entity applying for funding to construct a water resources project;

(2)  "Award," grant or loan funds awarded by the Board of Water and Natural Resources for a water resources project pursuant to SDCL 46A-1-61, 46A-1-63.1, and 46A-1-64;

(3)  "Board," the Board of Water and Natural Resources acting as that board or as the South Dakota Conservancy District;

(4)  "Construction," actual installation of the facility including preparation of final plans, designs, and specifications;

(5)  "Cooperative corporation," a cooperative corporation formed pursuant to SDCL chapter 47-15;

(6)  "Department," the South Dakota Department of Agriculture and Natural Resources;

(7)  "Designated agent," a person or entity specially designated by resolution of the board;

(8)  "Emergency," act of God; strike, lockout, or other labor disturbance; act of a public enemy; order or restraint of any kind of the government of the United States of America or of the State of South Dakota or any of its departments, agencies, or officials or any civil or military authority other than the applicant or a municipal utility board; storm; drought; flood; explosion; breakage or accident to machinery, transmission pipes, or canals; or any other cause or event not reasonably within the control of the applicant;

(9)  "Facilities plan," an engineering evaluation that describes the need for the proposed supply, treatment, storage, or distribution project based on present conditions and future needs; evaluates the costs and adequacies of appropriate alternatives; identifies potential environmental impacts of the proposed project; and provides the selection and justification of a final alternative;

(10)  "Facility," a water resources project as defined in SDCL 46A-2-4(14);

(11)  "In-kind contributions," work or materials provided without a cash outlay that can be used as local match;

(12)  "Minimum established rates," rates charged to residential users of a wastewater or water system that meet the following criteria:

(a)  Applicants that are either incorporated municipalities or sanitary districts must have established rates for the project that meet the following minimum rates:

(i)   Drinking water - $30 per 5,000 gallons per month;

(ii)  Wastewater - $30 per 5,000 gallons per month;

(b)  All other applicants must have established rates for the project that meet the following minimum rates:

(i)   Water, individual service - $55 per 7,000 gallons per month;

(ii)  Wastewater, individual service - $40 per 5,000 gallons per month;

(13)  "Nonfederal" or "nonfederal share," funds from any legal source other than federal grants received from a federal agency or received from an entity administering federal grants as pass-through grants;

(14)  "Nonprofit corporation," a nonprofit corporation formed pursuant to SDCL chapter 47-22;

(15)  "Preliminary design stage," that portion of a project associated with the following activities:

(a)  Planning studies to identify the project scope of need;

(b)  Initial cost estimates;

(c)  Cost-effectiveness analysis;

(d)  Preliminary site identification surveys; and

(e)  The preparation of funding applications and supporting documentation;

(16)  "Recipient," the sponsoring entity receiving funds to construct a water resources project;

(17)  "Secretary," the secretary of the Department of Agriculture and Natural Resources;

(18)  "State water facilities plan," a plan developed by the board as provided by SDCL chapter 46A-1; and

(19)  "Watershed assessment," a scientific evaluation that involves the measurement, analysis, and interpretation of the physical, chemical, and biological properties of waters and the region draining into those waters; assesses the current health of waters within a specific watershed; and utilizes predictive modeling of watershed conditions so that management decisions can be made to maintain or improve the health of those waters.

**Source:** 13 SDR 23, effective September 3, 1986; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 19 SDR 102, effective January 17, 1993; 19 SDR 202, effective July 4, 1993; 21 SDR 97, effective November 28, 1994; 22 SDR 95, effective January 17, 1996; 28 SDR 95, effective December 19, 2001; 33 SDR 106, effective December 26, 2006; 36 SDR 208, effective June 28, 2010; 40 SDR 14, effective July 29, 2013; 41 SDR 173, effective May 11, 2015; SL 2021, ch 1, §§ 8, 19, effective April 19, 2021.

**General Authority:** SDCL 46A-1-65.

**Law Implemented:** SDCL 46A-1-3, 46A-1-61, 46A-1-63.1, 46A-1-64, 46A-2-4.