

South Dakota

1. Definitions

- a. Produced Water – Water brought to the surface during oil or gas well drilling, completion, and production operations, which may include formation water, injected water, and flowback water.
 - i. If your state defines the term “produced water,” please provide that definition below.

ARSD 74:12:01:01. Definitions. (25) "Produced water," water that is produced during operations of an oil or gas well;

- b. Recycle/Reuse – To process or treat produced water or its constituent substances for beneficial use.
 - i. If your state defines the term “recycle” or “reuse,” please provide the definition(s) below.

2. Ownership

- a. Please describe the authority (deed, lease, contract, statute, regulation, case law, common law etc..) and include any relevant citations under which any of the following occurs.
 - i. The right to produce water during well completion and oil and gas production operations.
None
 - ii. Ownership of produced water from oil or gas wells after it has been brought to the surface.
None
 - iii. Use and/or reuse of produced water in the oilfield.
None
 - iv. Use and/or reuse of produced water outside of the oilfield.

- b. Place an “x” in each box to indicate who holds the right to each of the following regarding water that has not yet been produced.

Who	Possession	Use	Other rights (please specify)
Landowner			
Operator			
Government			
Other (please specify)			

- c. Place an “x” in each box to indicate who holds the right to each of the following regarding produced water after it has been brought to the surface.

Who	Possession	Use	Other rights (please specify)
Landowner			
Operator			
Government			
Other (please specify)			

- d. Does the quality of the produced water play a role in the ownership of the water?

No

3. Liability

- a. Please provide the cite to any relevant state statute/case law/regulation regarding liability for:

- i. Produced water handling (extraction, transportation, sale, etc.).

None

- ii. Use and/or reuse of produced water in the oilfield:

1. By the producer

None

2. By a different operator

None

- iii. Use and/or reuse of produced water outside of the oilfield.

None

4. State or Provincial Regulatory Agency

- a. State or provincial agencies charged with regulating the use/reuse of produced water:

SD DENR

Contact information:

SD DENR

Brief summary of areas of responsibilities:

Regulation of oil & gas development and waste management

- b. Federal agencies charged with regulating the use and/or reuse of produced water: If available, please provide appropriate contact information.

Not available

5. Incentives

- a. Does your state or province have any incentives to use and/or reuse produced water in the oilfield? If so, please describe.

No

- b. Outside of the oilfield? If so, please describe.

No

6. Innovations and Successes

- a. Do you have any innovative or unique approaches to addressing use and/or reuse of produced water? If so, please provide a brief description.

No

- b. Does the quality of the produced water pose impediments to recycling and reuse?

Yes, typically produced water from SD oil fields lacks sufficient concentrations of calcium, magnesium, and chloride necessary for usefulness as dust suppressant.

7. Other Information

- a. Please provide any additional notes or commentary below.