



East Dakota Water Development District
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MINUTES
January 14, 2013

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on January 14, 2013, at the EDWDD office in Brookings. Chairman Jarrett called the meeting to order at 9:02 a.m. The following persons attended:

Directors Present

Mark Anderson
Lois Brown
Mary Ellen Connelly
Gary Duffy
Martin Jarrett
Kay Kassube
John Moes
Roger Scheibe
Jerry Soholt

Directors Absent

-none-

Others Present

Dave Bartel, James River Water Development District
Jeff Barth, Minnehaha County Commission
Jesse Johnson, SD Corn
Jeppe Kjaesgaard, SDSU Water Resources Institute
John Maursetter, Lake County
Judy Smoyer, James River Water Development District
Tim Spade, Flandreau Santee Sioux Tribe
Dennis Todey, SDSU State Climate Office

Staff Present

Kevin Christenson
Jay Gilbertson
Jeremy Hinke
Deb Springman
Kristi Thielen

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Administrative Items

Approval of Agenda

Motion by Scheibe, seconded by Connelly to approve the agenda as presented. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the December 20, 2012 meeting.

Motion by Soholt, seconded by Moes to approve the Minutes as presented. Motion carried unanimously.

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Financial Reports - The Board reviewed the December 2012 Financial Report.

Motion by Scheibe, seconded by Duffy to accept the December 2012 Financial Report. Motion carried unanimously. Chairman Jarrett then asked that the report be placed in the District files.

Election of Officers for 2013 - Chairman Jarrett turned the meeting over to the Manager for the election of Board officers for 2013.

The Manager called for nominations for Chairman for 2013.

Motion by Kassube, second by Brown to nominate Director Jarrett for Board Chairman. **Motion** by Kassube, seconded by Soholt that nominations for Chairman cease and the Board cast a unanimous ballot. Motion carried unanimously.

Chairman Jarrett resumed control of the meeting.

Chairman Jarrett called for nominations for Vice-Chairman for 2013.

Motion by Kassube, seconded by Connelly to nominate Director Soholt for Vice-Chairman. **Motion** by Kassube, seconded by Brown that nominations cease and that the Board cast a unanimous ballot. Motion carried unanimously.

Chairman Jarrett called for nominations for Secretary for 2013.

Motion by Brown, seconded by Connelly to nominate Director Scheibe for Secretary. **Motion** by Kassube, seconded by Brown that nominations cease and that the Board cast a unanimous ballot. Motion carried unanimously.

Report of Meetings and Conferences - Directors Connelly and Soholt, along with Chairman Jarrett, attended the meeting of the Steering Committee for the SDSU Water Resources Institute Winter Manure Study in Sioux Falls on December 21st, 2012.

Directors Brown, Kassube and Soholt, along with Chairman Jarrett, attended the Water Development District Legislative Breakfast on January 9th at the State Capitol in Pierre.

Directors Brown and Kassube attended meetings the Boards of Directors of the James River and Central Plains Water Development Districts in Pierre on January 9th.

The Manager briefly commented on the following meetings he attended:

1. December 21, 2012 - Sioux Falls. SDSU Water Resources Institute Winter Manure Study Steering Committee.
2. January 4, 2013 - Brookings DDN Site/teleconference. SD Board of Water and Natural Resources.
3. January 8-10 - Pierre. SD Association of Rural Water Systems Annual Technical Conference.
4. January 9 - State Capitol Building, Pierre. Water Development District Legislative Breakfast.
5. January 11 - Pierre. James River Water Development District Board of Directors.

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In addition, he noted that he acted in his capacity as District lobbyist to the 2013 South Dakota Legislature in Pierre on January 8-11.

Upcoming Meetings -

1. **January 16** - USGS Office, Rapid City. West Dakota Water Development District.
2. **January 23** - SD Association of Rural Water Systems (SDARWS) Quality On Tap Magazine Editorial Board meeting.
3. **February 6 & 7** - ClubHouse Hotel & Suites, Pierre. South Dakota Association of Rural Water Systems Managers Group meeting.
4. **February 21 - 9:00 a.m.** - EDWDD Office, Brookings. February EDWDD Board of Directors Meeting.

2013 Board of Directors Meeting Schedule - The Manager presented the following draft meeting schedule for 2013:

Date	Location	Start	Meeting Site
January 14	Brookings	9:00 a.m.	EDWDD Office
February 21	Brookings	9:00 a.m.	EDWDD Office
March 21	Brookings	9:00 a.m.	EDWDD Office
April 18	Madison	9:30 a.m.	(to be determined)
May 16	Brookings	9:00 a.m.	EDWDD Office
June 20	Brookings	9:00 a.m.	EDWDD Office
July 18	Brookings	9:00 a.m.	EDWDD Office
August 15	Watertown	9:30 a.m.	(to be determined)
September 19	Brookings	9:00 a.m.	EDWDD Office
October 17	Brookings	9:00 a.m.	EDWDD Office
November 21	Sioux Falls	9:30 a.m.	Water Reclamation Plant
December 19	Brookings	1:00 p.m.	EDWDD Office

Motion by Schiebe, seconded by Kassube to adopt the proposed meeting schedule for 2013. Motion carried unanimously.

Designation of Official Newspapers - The Manager indicated that state law requires that the District annually designate official newspapers in which formal and necessary public notices are to be published. The Manager proposed to retain the same newspapers as have been used in the past by the District.

Motion by Connelly, seconded by Duffy to designate the following newspapers as the official newspapers for District notices in 2013 - Brookings Register, Clear Lake Courier, Grant County Review, De Smet News, Miner County Pioneer, Watertown Public Opinion, Moody County Enterprise, Hamlin County Herald Enterprise, Madison Daily Leader and Sioux Falls Argus Leader. Motion carried unanimously.

District Organizational Memberships

Motion by Kassube, seconded by Brown to authorize payment of \$450 to the South Dakota Association of Rural Water Systems and \$175 to the American Water Resources Association for District memberships in 2013. Motion carried unanimously.

Payment Requests

South Dakota State University - In October 2011, the District agreed to provide \$60,438 in cost-share assistance to South Dakota State University (SDSU) for a research project entitled, "Agricultural Subsurface Drainage Impacts on Hydrology in Eastern South Dakota." The Manager noted that SDSU has submitted the third request for reimbursement for a total of \$9,498.51, which covers eligible costs incurred in August and December of 2012. The District previously made payments totaling of \$11,890.41 for project expenses.

Motion by Brown, seconded by Duffy to authorize payment \$9,498.51 to SDSU as requested. Motion carried unanimously.

Selection of Area 5 Director

The Manager reviewed the process undertaken to select a replacement Director to represent Director Area 5. At the January 2012 meeting, the Board declared the vacancy following the resignation of Director Curt Eggers. SDCL 46A-3B-9 allows for the remaining Board members to appoint a replacement (until the next general election) from qualified candidates proposed by nominating petitions signed by at least 25 eligible voters from the area. Public notices of the vacancy were sent to the official newspaper for the area, the Sioux Falls Argus Leader, several times over the course of 2012, most recently in December. For the most recent posting, the petitions were to be submitted in time for consideration at the January 2013 Board meeting. The Manager reported that a single set of valid petitions were submitted by Mark W. Anderson of Sioux Falls.

Motion by Schiebe, seconded by Connelly to appoint Mark W. Anderson to serve as the Director Area 5 representative through the end of December 2014. Motion carried unanimously, and Director Anderson was seated at the Board.

Project Assistance Request

Dr. Dennis Todey, South Dakota State Climatologist, presented the Board with a request for general support of the South Dakota Automatic Weather Data Network (SDAWDN). SDAWDN consists of 34 weather stations located across the state that provide real-time weather information. Eleven of the sites are within the East Dakota WDD. He noted that the network has slowly grown to its current size as the result of a variety of long-term, short-term and one-time grants and research projects. Funding for the network is often problematic, although local funding partners frequently provide support for stations in the area.

Dr. Todey indicated that the funding necessary to continue operation to support the SDAWDN site near Lake Cochrane in Deuel County has ended, and that he was reaching out to entities that might be interested in supporting this particular station, or the SDAWDN in general. The cost to operate a single site for one year is roughly \$3,000, although costs varied slightly depending on local conditions and circumstances. The Manager suggested that if the Board were inclined to provide support to the South Dakota State Climate Office for SDAWDN that the assistance be of a general, programmatic nature.

Motion by Kassube, seconded by Schiebe to award \$6,000 in District project assistance funds to general support the South Dakota Automatic Weather Data Network as requested. Motion carried with Directors Anderson, Brown, Connelly, Duffy, Kassube, Moes and Schiebe, along with

Chairman Jarrett, supporting, and Director Soholt opposed. The Manager was also directed to contact the South Dakota Department of Agriculture to seek support of SDAWDN.

Legislative Update

The Manager noted that the 88th Session of the South Dakota Legislature began on January 8th, and that to date there were not any bills filed that directly impacted the District. He reviewed several possible bills that were under consideration:

1. A series of bills were developed for consideration by the Regional Watershed Advisory Task Force at their meeting scheduled for December 10 & 11, 2012. Unfortunately, the meeting was cancelled and the full Task Force did not have a chance to take formal action. However, individual legislators who were members of the Task Force have proposed to bring some of bills these forward. The proposed legislation would create a landowner-to-landowner conflict mediation process, a technical advisory group to assist county permitting authorities and a state-wide inventory of all drainage activities. There was also a bill to remove the current cap on permit fees and to standardize permit forms. The Manager reported that the final disposition of these four bills was unknown at the time.
2. A bill updating the codified laws dealing with watershed district (SDCL 46A-14) has been proposed. This was developed in response to difficulties experienced by several groups seeking to create watershed districts in recent years. This bill is expected to be filed shortly.
3. The annual omnibus water funding bill has yet to be filed.

The Manager stated that as these bills develop, they can be followed by way of the a state web site, <http://legis.state.sd.us/sessions/2013/index.aspx>, and he will be sending out weekly updates on legislation of interest.

Resolution in Opposition to USACOE Plan to Charge a Fee for Missouri River Water

The Manager distributed information on plans by the United States Army Corps of Engineers to begin charging a fee for use of water held behind the Corps dams along the Missouri River. They have initiated a rules making process to charge for the use of what they refer to as surplus water taken by public water suppliers from the Missouri River reservoirs.

A variety of local and state entities have opposed this effort for a variety of reasons. For example, under this proposal, the Corps would control management of the water used for current and future municipal and industrial use. The ability for states to manage their own water supplies for the benefit of their citizens is a state's right that has long been recognized by the federal government. Further, it is a state's right to have jurisdiction and access to natural flows through their state water right programs. Finally, existing uses in South Dakota are less than the natural flows so the Corps has no jurisdiction or authority to charge for water used in South Dakota.

The Manager presented and reviewed with the Board with a Resolution (2013-01) he had prepared expressing opposition to such an effort. He noted that he had borrowed the language from a comparable effort by the South Dakota Association of Rural Water Systems.

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Motion by Brown, seconded by Kassube to adopt Resolution 2013-01 (copy below) and to authorize the Chair and Vice-Chair to sign the document. Motion carried unanimously.

Adjournment

There being no further District business, Chairman Jarrett declared the meeting adjourned at 12:05 p.m.

Roger Scheibe, Secretary

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RESOLUTION 2013-1

**RESOLUTION OPPOSING THE UNITED STATES ARMY CORPS OF ENGINEERS
PROPOSAL TO ASSESS CHARGES FOR THE USE OF MISSOURI RIVER WATER**

WHEREAS, the feasibility and existence of present and future regional and municipal water systems in the State of South Dakota is contingent upon use of Missouri River water as a source to consumers; and

WHEREAS, the United States Army Corps of Engineers is commencing a federal rule making to develop administrative rules to charge a fee for the use of said water, which fee would seriously challenge the feasibility of current and future water systems and create undue financial burden upon the water-users affected:

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the East Dakota Water Development District does hereby oppose and object to the assessment of any fee or surcharge upon domestic users of Missouri River water, and urges the Corps of Engineers to rescind any such action; and

BE IT FURTHER RESOLVED, that the Board of Directors of the East Dakota Water Development District urges its Congressional delegation to actively resist and oppose such action by the Corps of Engineers and sponsor and pass appropriate legislation to prevent same; and

BE IT FURTHER RESOLVED, that the Board of Directors of the East Dakota Water Development District urges the Attorney General and the Governor of the State of South Dakota to engage litigation with the Corps of Engineers to defend the water rights of the citizens of South Dakota.

Dated this 14th day of January, 2013, with the approval of the East Dakota Water Development District Board of Directors.

Martin Jarrett, Chairman
East Dakota Water Development District

Jerry Soholt, Vice-Chairman
East Dakota Water Development District

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