



East Dakota Water Development District
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MINUTES
January 23, 2025

The Board of Directors of the East Dakota Water Development District (District) held a regular meeting on January 23rd 2025, at the District Office in Brookings. Chairman Anderson called the meeting to order at 9:03 a.m. The following persons attended:

Directors Present

Mark Anderson
 Jeff Barth
 Rick Bonander*
 Spencer Hawley
 Troy Larson*
 John Moes

Others Present

- none -

Directors Absent

Bob Kappel
 Director Area 7 (Vacant)
 Director Area 8 (Vacant)

Staff Present

Barry Berg*
 Jaelynn Dreckman*
 Jay Gilbertson
 Deb Springman

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* - Participated by way of video-conference.

Administrative Items

Approval of Agenda -

Motion by Barth, seconded by Moes, to approve the agenda as presented. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the December 19th, 2024, meeting.

Motion by Hawley, seconded by Barth, to approve the Minutes as presented. Motion carried unanimously.

Financial Reports - The Board reviewed the December 2024 Financial Reports.

Motion by Moes, seconded by Hawley to accept the December 2024 Financial Reports. Motion carried unanimously. Chairman Anderson then asked that the report be placed in the District files.

Reports of Meetings & Conferences - Director Larson reported on the Annual Technical Conference for the South Dakota Association of Rural Water Systems (SDARWS) held in Pierre on January 14th - 16th.

Director Moes reported on the Soil Health Coalition conference held in Watertown on January 15th & 16th.

The Manager commented briefly on the following meetings he attended:

1. January 3rd, 2025 - Future water rights discussion with City of Dell Rapids representatives, Dell Rapids.
2. January 7th - South Dakota Lakes & Streams Association Board of Directors, Brookings.
3. January 8th - Regional Wastewater Planning Group, Sioux Falls.
4. January 9th - Board of Water and Natural Resources, via video-conference.
5. January 14th-16th - South Dakota Association of Rural Water Systems Annual Technical Conference, Pierre.
6. January 14th - Opening of the 100th Session of the South Dakota Legislature, Pierre.
7. January 21st - Brookings County Commission, Brookings.

Election of Officers for 2025 - Chairman Anderson turned the meeting over to the Manager for the election of Board officers for 2025.

The Manager called for nominations for Board Chair for 2025.

Motion by Barth to nominate Director Anderson for Board Chairman. **Motion** by Hawley, seconded by Moes, that nominations for Chairman cease and the Board cast a unanimous ballot. Motion carried unanimously.

Chairman Anderson resumed control of the meeting.

Chairman Anderson called for nominations for Vice-Chairman for 2025.

Motion by Hawley to nominate Director Moes for Vice-Chairman. **Motion** by Barth, seconded by Larson, that nominations cease and that the Board cast a unanimous ballot. Motion carried unanimously.

Chairman Anderson called for nominations for Secretary for 2025.

Motion by Larson to nominate Director Hawley for Secretary. **Motion** by Moes, seconded by Barth, that nominations cease and that the Board cast a unanimous ballot. Motion carried unanimously.

Chairman Anderson called for nominations for District Treasurer.

Motion by Larson to nominate the Manager, Jay Gilbertson, as District Treasurer. **Motion** by Barth, seconded by Moes, that nominations cease and that the Board cast a unanimous ballot. Motion carried unanimously.

Upcoming Meetings -

1. **January 29th - 10:30 a.m.** - Clubhouse/Redrossa, Pierre. SDARWS Source Water Protection Workshop.
2. **January 29th - 1:00 p.m.** - via video-conferencing. United States Environmental Protection Agency NPS Technical Exchange.
3. **January 29th & 30th** - Clubhouse/Redrossa, Pierre. SDARWS Manager's Group Meeting.
4. **February 20th - 9:00 a.m.** - EDWDD Office, Brookings. February EDWDD Board of Directors meeting.

The Manager noted that as the South Dakota Legislature would be in session during this period, and that he would be acting as District Lobbyist as necessary.

2025 Board of Directors Meeting Schedule - The Manager presented the Board with a DRAFT meeting schedule for calendar year 2025. He noted that it was consistent with District By-Laws, which call for the default monthly meeting to be held on the third Thursday. The lone exception is the January meeting, which was being held in on the fourth Thursday, as the third Thursday conflicted with the 2025 SDARWS Annual Technical Conference and the opening of the 100th Session of the South Dakota Legislature.

Date	Location	Start	Meeting Site
January 23	Brookings	9:00 a.m.	EDWDD Office
February 20	Brookings	9:00 a.m.	EDWDD Office
March 20	Brookings	9:00 a.m.	EDWDD Office
April 17	Brookings	9:00 a.m.	EDWDD Office
May 15	Vermillion	9:00 a.m.	LCRWS Water Treatment Plant
June 19	Brookings	9:00 a.m.	EDWDD Office
July 17	Brookings	9:00 a.m.	EDWDD Office
August 21	Brookings	9:00 a.m.	EDWDD Office
September 18	Brookings	9:00 a.m.	EDWDD Office
October 16	Milbank	9:30 a.m.	Grant-Roberts RWS Office
November 20	Sioux Falls	9:30 a.m.	SD Corn Office
December 18	Brookings	1:00 p.m.	EDWDD Office

The Manager noted that the May 15th meeting will be a joint gathering with the Board of the Vermillion Basin Water Development District.

Motion by Moes, seconded by Barth to adopt the proposed meeting schedule for 2025. Motion carried unanimously.

Designation of Official Newspapers - The Manager noted that under SDCL 46A-3D-11, the District must annually designate official newspapers in which official legal notices are published. He proposed a list of newspapers to be considered official newspapers of the District in 2025, noting that the Miner County Pioneer and Kingsbury Journal had been dropped from the 2024 list as a result of the territory shift with the Vermillion Basin WDD. Director Moes suggested adding the Watertown Current to the list 2025.

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Motion by Hawley, seconded by Barth, to designate the following newspapers as the official newspapers for District notices in 2025 - Arlington Sun, Brandon Valley Journal (Brandon), Brookings Register, Clear Lake Courier, The Dakota Scout (Sioux Falls), Dells City Journal (Dell Rapids), Elkton Record, Estelline Journal, Garretson Gazette, Grant County Review (Milbank), Hamlin County Herald Enterprise (Hayti), Hamlin County Republican (Castlewood), Madison Daily Leader, Minnehaha Messenger (Hartford), Moody County Enterprise (Flandreau), Sioux Falls Argus Leader, South Shore Gazette, Volga Tribune, Watertown Current and Watertown Public Opinion. Motion carried unanimously.

District Organizational Memberships -

Motion by Larson, seconded by Moes, to retain District membership in the South Dakota Association of Rural Water Systems for 2025. Motion carried unanimously.

Designation of Official District Depository - The Manager noted that under SDCL 46A-3E-9, the District must designate an official depository (financial institution) into which District tax levies and other funds are to be deposited. The First Bank & Trust in Brookings currently holds this designation, and has been our official depository for many years. Once assigned, this designation does not expire, but it has been a while since formal action was taken. He recommended that the formally re-designate the First Bank & Trust of Brookings as the District’s official depository.

Motion by Larson, seconded by Moes to designate the First Bank & Trust of Brookings, South Dakota, as the official fiscal depository for the District. Motion carried unanimously.

Payment Requests - The Manager presented the Board with one payment request from a District-sponsored activity that required Board action. He noted that the requests was in order and consistent with the conditions established by the Board at the time of the award.

<u>Grant Recipient/Activity</u>	<u>Requested Amount</u>
SDSM&T - Big Sioux River PFAS Assessment	\$ 718.00
	\$ 718.00

Motion by Hawley, seconded by Barth to authorize payment of \$718.00 as requested. Motion carried unanimously.

Future Use Water Permit No. 3574-3

On February 8th, 1977, the East Dakota Conservancy Sub-District (predecessor to the East Dakota Water Development District) was granted a Future Use Water Permit (Number 3574-3) for up to 400,000 acre-feet per year from the Missouri River. The water was reserved for use by any and all public water systems within the Sub-District and could be diverted from anywhere on the east side of the river or it’s impoundments in South Dakota. In 2003, the District relinquished 255,000 acre-feet of the reserved water and transferred 1,000 acre-feet to the Clay Rural Water System. It retained 144,000 acre-feet of water. This amount represents roughly twice the total projected annual use by all District public water supplies, in addition to what the Lewis and Clark Regional Water System would use at full capacity. In 2011 and 2018, the District requested that the permit be continued, and both

requests were approved by the South Dakota Water Management Board. In 2022, 52,500 acre-feet of the reserved water was transferred to the Lewis & Clark Regional Water System, reducing the District's holdings to 91,500 acre-feet/year.

The Manager reported that the permit is once again up for review by the Water Management Board, and the SD DANR Water Rights Program has asked that the Board consider what it would like to do with Future Use Water Permit Number 3574-3. Options could include 1) retain the full amount, 2) retain a portion of the amount, 3) relinquish the permit, or 4) transfer a portion or portions of the reserved water to other entities that might wish to obtain such rights. The cost of the permit would be \$7,685, which is for a 7-year period. A hearing on any proposed changes to the District's permit would likely be held by the Water Management Board in March 2025.

Motion by Hawley, seconded by Moes to notify the Water Rights Program that the District is interested in retaining Future Use Water Permit Number 3574-3 for 91,500 acre-feet per year of Missouri River water, and to direct the Manager to complete any necessary paperwork and other requirements for the seven-year review of the permit by the State Water Management Board. Motion carried unanimously.

Preview of the 2025 Legislative Session

House Bill 1072 is a "style and form" review of the water development district code, found in South Dakota Codified Laws Chapters 46A-3A thru -3E, inclusive. The code dates to a Special Session of the Legislature, held in May 1984, with parts derived from even earlier laws. In the intervening years, the language used to construct legislation has changed to reflect current usage, but no comprehensive effort undertaken to bring everything into compliance with current standards. The South Dakota Legislative Research Council (LRC) has reviewed WDD code, the result of which is a 26-page bill. Representative Kaydn Wittman of Sioux Falls is the prime sponsor of the bill, and the Manager will be the lead proponent. All of the WDDs are in support, and I am hoping to get this bill through the chambers without incident.

In addition, the annual omnibus water funding bill (Senate Bill 33) has been filed. The Manager noted that with all of the new legislators, it may take a bit more effort than usual to get this legislation through the chambers, but he did not expect too many issues. Finally, the Western Dakota Regional Water System is in for legislative approval of a roughly 21,000 acre-feet/year future use permit. Any request for over 10,000 acre-feet/year requires the legislature give it's OK before the Water Management Board can formally consider a permit.

Adjournment

There being no further District business, Chairman Anderson declared the meeting adjourned at 11:00 a.m.

Spencer Hawley, Secretary