



East Dakota Water Development District
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MINUTES
October 16, 2025

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on October 16, 2025, at the offices of the Grant-Roberts Rural Water System, 1209 South Dakota Street, Milbank. Chairman Anderson called the meeting to order at 9:40 a.m. The following persons attended:

Directors Present

Mark Anderson
Jeff Barth*
Rick Bonander
Deb Elofson
Spencer Hawley
Bob Kappel
Troy Larson*
Julie Loveland-Swanstrom
John Moes

Others Present

Steve Berkner, Grant County Planning & Zoning/Drainage
Roger Hoff, Grant County Commission
Ryan Kohl, Milbank
Mike Mach, Grant County Commission
Cory Zirbel, Prairie Coteau Watershed Project/Day County CD

Staff Present

Barry Berg*
Jaelynn Dreckman
Jay Gilbertson

Directors Absent

- none -

* - participated via video-conferencing.

Administrative Items

Approval of Agenda _ The Manager asked to have Agenda item V, South Dakota Ground Water Anti-Mining Law Discussion, moved up in the order of discussion. He suggested taking the issue up following completion of the Administrative Items (II).

Motion by Hawley, seconded by Kappel to approve the agenda as so amended. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the September 18th, 2025, meeting.

Motion by Larson, seconded by Bonander, to approve the Minutes as presented. Motion carried unanimously.

Financial Reports - The Board reviewed the September 2025 Financial Reports.

Motion by Moes, seconded by Loveland-Swanstrom to accept the September 2025 Financial Reports. Motion carried unanimously. Chairman Anderson then asked that the reports be placed in the District files.

Meetings and Conferences - Chair Anderson and Director Bonander attended the 2025 RiverFest event in Sioux Falls on September 20th.

Director Bonander reported on the October 13th meeting of the Minnehaha Conservation District held in Sioux Falls.

Director Loveland-Swanstrom attended the Eastern South Dakota Water Conference held on October 15th at South Dakota State University in Brookings.

The Manager briefly commented on the following meetings he attended in the past month:

1. September 25th - SD Board of Water & Natural Resources, via video-conference.
2. September 26th - Dakota Mainstem Board of Directors Special Meeting, Larchwood, Iowa.
3. September 27th - American Institute of Professional Geologists (SD Chapter) Field Conference, Hill City.
4. September 29th - Prairie Coteau Watershed Project Field Day, Western Day County
5. October 1st - SD Water Management Board, Pierre. Aberdeen future use water permit & Sioux Quartzite aquifer permit.
6. October 7th - Day County Commissioners Meeting, via video-conference. Bitter Lake drainage discussion.
7. October 8th - South Dakota Lakes & Streams Board of Directors Meeting, Brookings.
8. October 9th - Mina Lake Association, via video-conference. Questions about impacts of a proposed twenty-five thousand (25,000) head dairy
9. October 15th - Eastern South Dakota Water Conference, SDSU, Brookings.

Upcoming Meetings -

1. **October 20th - 5:30 p.m.** - Webster. Coteau Area Conservation Districts 29th Annual Legislative Banquet.
2. **October 21st - 10:00 a.m.** - Madison/video-conference. SDARWS Quality on Tap Editorial Board.
3. **October 23rd - 11:30 a.m.** - Tea. Lewis & Clark Regional Water System Thanks-for-Giving meal.
4. **October 27th - 29th** - Baton Rouge, LA. National Nonpoint Source Training Workshop.
5. **October 29th & 30th** - Deadwood. South Dakota Association of Rural Water Systems (SDARWS) Manager's Group.
6. **October 30th - 11:30 a.m.** - 4500 North Sycamore Avenue, Sioux Falls. Ribbon cutting for the Sioux Falls Regional Water Reclamation Plant Expansion.
7. **November 6th - 1:00 p.m.** - Matthews Training Center, Pierre. South Dakota Board of Water & Natural Resources.
8. **November 13th - 9:00 a.m.** - Huron. James River Water Development District Board meeting.
9. **November 19th & 20th** - Pierre. South Dakota Association of Rural Water Systems Board

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Leadership Seminar.

10. **November 20th - 9:30 a.m.** - SD Corn Office, 4712 South Technopolis Drive, Sioux Falls.
November EDWDD Board of Directors meeting.

Payment Requests - The Manager presented three (3) payment requests from District-sponsored activities that required Board action. He noted that the requests were in order and consistent with provisions set by the Board at the time of award. He requested Board authorization to make the following payments:

<u>Grant Recipient/Activity</u>	<u>Requested Amount</u>
SDSM&T - Big Sioux River PFAS Survey (Kunza)	\$ 4,277.55
SDSU - Establishing Certified PFAS Testing Facility (Islam)	\$ 3,456.91
SDSU - Environmental & Economic Assessment of SRAM (Mehan)	\$ 23,422.65
	\$ 31,157.11

Motion by Kappel, seconded by Bonander to authorize payments to the South Dakota School of Mines & Technology and South Dakota State University totaling \$ 31,157.11 as requested. Motion carried unanimously.

2026 Director Elections - The Manager reviewed the upcoming 2026 general election cycle as it applies to the District. He noted that the current term of office for the directors from odd-numbered director areas will expire on December 31, 2026. This will impact Directors Moes (DA 1), Hawley (DA 3), Anderson (DA 5), Loveland-Swanstrom (DA 7) and Barth (DA 9).

Public notice of the impending vacancies will be published in the appropriate newspapers this coming December. Persons interested in serving in these positions may begin circulating nominating petitions on January 1st, 2026. The petitions must be submitted to the Secretary of State's Office no later than March 31st, 2026. If three or more petitions are filed for a given position, then they will be part of the June 2nd primary election, with the top two vote recipients moving on to the November 3rd general election. If only two petitions are filed, they move directly to the November 2nd general election. A single petitioner will ascend to office on January 1st, 2027. If no petitions are filed, then the remaining Board members will fill the vacancy according to South Dakota Codified Law (SDCL) 46A-3B-9.

South Dakota Ground Water Anti-Mining Law Discussion

The Manager provide an overview of South Dakota Codified Law (SDCL) 46-6-3.1, which places limitations on the amount ground water which may be drawn from certain aquifers. In general, the law prohibits the withdrawal of ground water from a given aquifer in excess of the recharge to that aquifer. Ground water extraction in excess of recharge is sometimes referred to as 'mining.' However, there is an exception built into SDCL 46-6-3.1, and therefore the prohibition is not applied equally for all South Dakota aquifers. If the aquifer to be tapped is found stratigraphically below the Greenhorn Formation, and the user is a water distribution system (public water supply), then it is possible to get permission to withdraw water in excess of recharge. This exception is largely applies to the aquifers tapped in western South Dakota, particularly in the Black Hills region.

A recent report prepared by the United States Geological Survey has found that in places, the withdrawals from some of these aquifers is likely in excess of recharge, including the Madison aquifer

around Rapid City. Reporting on this study has prompted discussion about water management and future economic development in the region. This has included suggestions that the exception found in SDCL 46-6-3.1 should be repealed.

The Manager noted that pretty much all of the aquifers utilized within the District have been managed under the provisions of the anti-mining restriction found in SDCL 46-6-3.1 for decades. These aquifers are almost exclusively located stratigraphically above the Greenhorn Formation. He also stated that as a general rule, the over extraction of water from the ground is a bad idea. Over-extraction (mining) is unsustainable, and will eventually lead to the diminishment of the resource, to the detriment of all. It was the consensus of the Board that this was a prudent approach. However, the Board also recognized that making such a significant in code (eliminating the exception), regardless of the rationale, will have an impact on water resource management by the State.

The Board directed the Manager to solicit input on such a possible change from the SD Department of Agriculture & Natural Resources (DANR). If a move is made to amend SDCL 46-6-3.1 during the upcoming legislative session, the District is likely to be asked for a position on such a change, and the Board is seeking input from various sources. The Manager indicated he would reach out to DANR with the request.

(Director Larson left the meeting at 11:00 a.m.)

Annual Board Review of Open Meeting Law Requirements

Prior to the meeting the board members were provided with a copy of the brochure “Conducting the Public’s Business in Public” revised in 2025 as published on the Attorney General’s website <https://atg.sd.gov/docs/July%202025OpenMeetingsLaw.pdf>.

The Manager noted that earlier this year, the 2025 SD Legislature passed Senate Bill 74, An Act to require the publication and review of an explanation of the open meeting laws of this state. This is now part of the state code, under SDCL 1-25-13, the text of which is below:

1-25-13. Annual review of open meeting laws--Acknowledgment. Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must annually review the following, during an official meeting of the agency or subdivision:

- (1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and*
- (2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.*

The agency or subdivision must include in the minutes of the official meeting an acknowledgment that the review was completed.

He noted that the Board operates under the open meeting law requirements, and therefore is subject to the provisions of SDCL 1-25-13. The Manager then reviewed the material found in the publication, “Conducting the Public’s Business in Public.”

Motion by Barth, seconded by Moes, to acknowledge that the Board had completed the annual review of the open meeting law as required by SDCL 1-25-13. Motion carried unanimously.

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Regional Project Updates

Prairie Coteau Watershed Project - Corey Zirbel, Project Coordinator for the Prairie Coteau Watershed Project, provided the Board with an overview of the effort, and an update on their current activities. The Project is run out of the Day County Conservation District Office in Webster, but includes much of the northern part of East Dakota (Big Sioux River basin north of Estelline and the Whetstone River and Yellow Bank River watersheds in the Minnesota River basin.

Grant County Drainage Regulation - Steve Berkner, Grant County Drainage Officer, provided the Board with an overview of the process by which the county oversees agricultural drainage. The Manager noted that at one time, most of the counties within the District had some form of drainage permitting/regulation. However, over the past decade, most have repealed their respective drainage ordinances, leaving Grant County as the sole entity within the District still involved.

Adjournment

There being no further District business, Chairman Anderson declared the meeting adjourned at 11:50 a.m.

Spencer Hawley, Secretary

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