



2024 South Dakota Legislature

Senate Joint Resolution 502

Introduced by: **Senator Otten** (Herman)

1 **A JOINT RESOLUTION, Providing legislative approval for a future use water permit**
 2 **application by the Lewis and Clark Regional Water System.**

3 **Section 1.** WHEREAS, pursuant to § 46-5-20.1, any application for an appropriation of water,
 4 in excess of ten thousand acre-feet annually, must be presented by the Water Management
 5 Board to the Legislature for approval, prior to action by the board; and

6 **Section 2.** WHEREAS, pursuant to § 46-5-20.1, the Lewis and Clark Regional Water System
 7 submitted a future use water permit application numbered 8754-3 to the chief engineer of
 8 the water rights program within the Department of Agriculture and Natural Resources, seeking
 9 to have annually appropriated and reserved nineteen thousand one hundred and twenty-one
 10 acre-feet of unappropriated water from the Missouri: Elk Point Aquifer for the purpose of
 11 providing future water supplies to the Lewis and Clark Regional Water System, which is
 12 located in the South Dakota counties of Clay, Lake, Lincoln, McCook, Minnehaha, Turner, and
 13 Union; in the Iowa counties of Lyon, O'Brien, Osceola, and Sioux; and in the Minnesota
 14 counties of Nobles and Rock; and

15 **Section 3.** WHEREAS, the chief engineer, pursuant to § 46-2A-2, considered the permit
 16 application and recommended approval, with qualifications, because there is a reasonable
 17 probability that unappropriated water is available for the proposed use, the quantity of water
 18 sought to be reserved will be needed by the Lewis and Clark Regional Water System, the
 19 proposed use is a beneficial use, and the proposed use is in the public interest; and

20 **Section 4.** WHEREAS, after a public hearing held on July 12, 2023, in Pierre, South Dakota,
 21 the Water Management Board moved to present the application to the Legislature with a
 22 recommendation of approval, subject to the following qualifications:

23 (1) That Future Use Water Permit No. 8754-3 annually reserve nineteen thousand one
 24 hundred twenty-one acre-feet from the Missouri: Elk Point Aquifer;

- 1 (2) That Future Use Water Permit No. 8754-3 is approved with the stipulation that it
2 is subject to review, every seven years, by the Water Management Board and
3 subject to cancellation if the board determines, during a seven-year review, that
4 the Lewis and Clark Regional Water System cannot demonstrate a reasonable need
5 for the permit; and
- 6 (3) That at the time plans are made to construct the works and put the water reserved
7 by Future Use Water Permit No. 8754-3 to beneficial use, an application for all or
8 part of the reserved water must be submitted to the Water Management Board,
9 pursuant to § 46-5-38.1:

10 **Section 5.** NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the
11 Ninety-Ninth Legislature of the State of South Dakota, the Senate concurring therein, that
12 the Lewis and Clark Regional Water System's Future Use Water Permit No. 8754-3 is approved
13 and returned to the Water Management Board for final action.