



# 2024 South Dakota Legislature

## Senate Joint Resolution 502

### ENROLLED

#### AN ACT

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

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

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

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

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

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

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

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

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

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I certify that the attached Resolution originated in the:

**STATE OF SOUTH DAKOTA,** ss.  
Office of the Secretary of State

Senate as Joint Resolution No. 502

Filed \_\_\_\_\_, 2024  
at \_\_\_\_\_ o'clock \_\_M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

By \_\_\_\_\_  
Asst. Secretary of State

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Joint Resolution No. 502  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_