



2025 South Dakota Legislature

Senate Joint Resolution 501

Introduced by: **Senator Duhamel**

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

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

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

7 WHEREAS, pursuant to § 46-5-20.1, the Western Dakota Regional Water System
 8 submitted a future use water permit application numbered 2881-2 to the chief engineer
 9 of the water rights program within the Department of Agriculture and Natural Resources,
 10 seeking to have annually appropriated and reserved twenty thousand seven hundred and
 11 sixty-five acre-feet of unappropriated water from the Missouri River for the purpose of
 12 providing future water supplies to the Western Dakota Regional Water System counties of
 13 Bennett, Butte, Custer, Fall River, Gregory, Haakon, Harding, Hughes, Jackson, Jones,
 14 Lawrence, Lyman, Meade, Mellette, Oglala Lakota, Pennington, Perkins, Stanley, Todd,
 15 and Tripp; and

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

22 WHEREAS, after a public hearing held on December 4, 2024, in Pierre, South
 23 Dakota, the Water Management Board moved to present the application to the Legislature
 24 for approval, subject to the following qualifications:

25 (1) That future use water permit number 2881-2 annually reserve twenty thousand
 26 seven hundred and sixty-five acre-feet from the Missouri River;

1 (2) That future use water permit number 2881-2 is subject to review every seven years
2 by the board and subject to cancellation if the board determines, during a review,
3 that the Western Dakota Regional Water System cannot demonstrate a reasonable
4 need for the permit; and

5 (3) That at the time plans are made to construct the works and put the water reserved
6 by future use water permit number 2881-2 to beneficial use, the executive director
7 of the Western Dakota Regional Water System must apply to the board for all or
8 part of the reserved water, pursuant to § 46-5-38.1;

9 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Hundredth Legislature
10 of the State of South Dakota, the House of Representatives concurring therein, that the
11 Western Dakota Regional Water System's future use water permit application number
12 2881-2 is approved and returned to the Water Management Board for final action; and

13 BE IT FURTHER RESOLVED, that if future use water permit application number
14 2881-2 is approved by the Water Management Board, the board may act on any
15 application to place the water reserved by application number 2881-2 to beneficial use,
16 regardless of the amount being placed to beneficial use, including up to the full twenty
17 thousand seven hundred and sixty-five acre-feet reserved by application number 2881-2,
18 without further action by the Legislature.