

# **A POTENTIAL WATERSHED- BASED ENTITY**

WE HAVE BEEN HERE BEFORE!

# HOUSE BILL 1001 (1998)

- **An Act to provide for the establishment of water management districts, to revise certain drainage policies and responsibilities, and to dissolve or convert certain water-related special purpose districts.**
- Representatives Brown (Richard), Brooks, Cerny, Chicoine, Gleason, and Kredit and Senators Daugaard and Valandra at the request of the Interim Drainage Study Committee.
- 1997 Interim Drainage Study Committee (**HCR 1010**)

# HCR 1010 (1997 SESSION)

- WHEREAS, watersheds and natural resources do not follow political boundaries; and
- WHEREAS, different political subdivisions have various authorities over the management of these natural resources and watersheds; and
- WHEREAS, management of natural resources is best achieved on a regional watershed basin approach; and
- WHEREAS, the division of authorities often wastes financial resources and makes planning and management decisions inconsistent as well as inefficient:
- NOW, THEREFORE, BE IT RESOLVED, ..... appoint an interim legislative committee to make a comprehensive study of the desirability and feasibility of restructuring water development districts, to study consolidating the county drainage law into the water development district law, to review conservation district laws, to review other natural resource management districts, and to recommend any necessary legislation to the Seventy-third Legislature.

# WATER FOLLOWS THE LAND



Watershed boundaries rarely match political boundaries.

# HOUSE BILL 1001

- 137 Sections, 56 pages
- Sections 1-33: Modify and amend existing code regarding water development districts (Chapters 46A-3A thru 46A-3E)
- Sections 34 – 134: Modify and amend existing code regarding county drainage law (Chapters 46A-10A and 46A-11)
- Sections 135-137: Repeal watershed district law (Chapter 46A-14)

# HB 1001 (WDD)

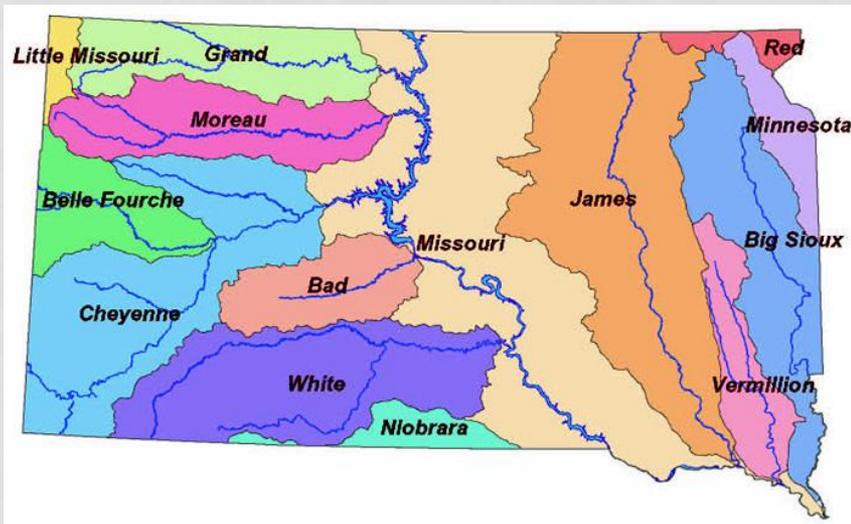
- Created regional, watershed-based water management districts (**WMDs**), starting from existing water development districts.
- All territory in the state to be part of a WMD. Provisions in WDD law to opt in or out repealed. Minor boundary adjustments allowed.

# HB 1001 (WDD)

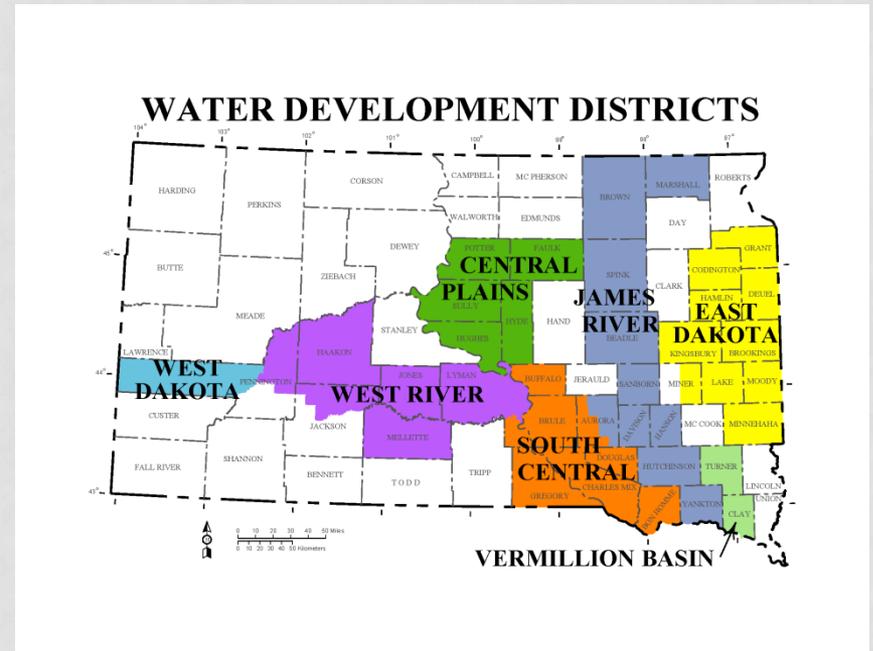
- Converted existing WDDs, plus created 2 new entities, into WMDs, with boundaries drawn to mimic watershed boundaries.
- Revised tax levy limitations in place on WDDs to reflect new responsibilities.

# HB 1001 (WDDDS)

## SD Watersheds

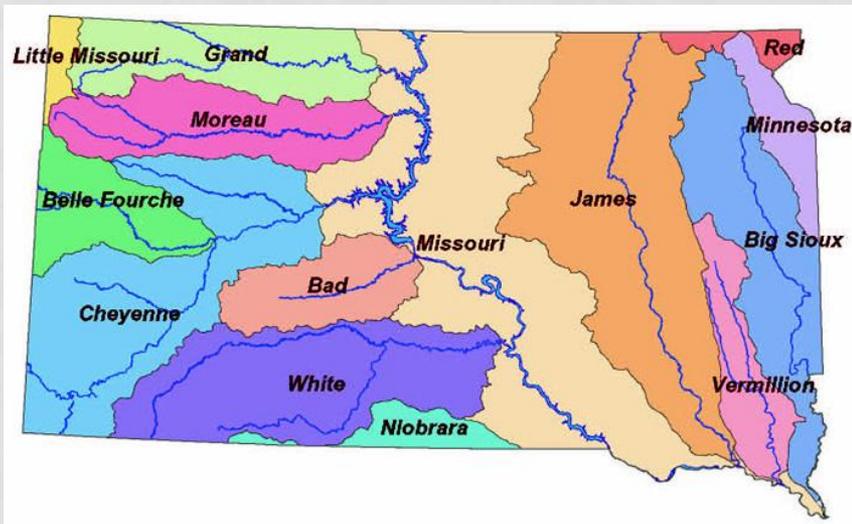


## Water Development Districts

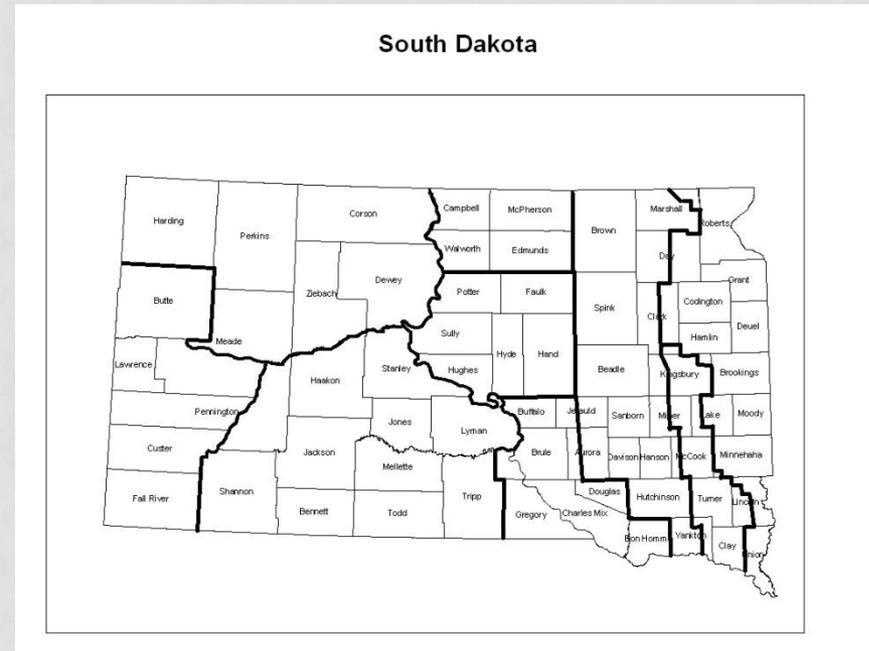


# HB 1001 (WMDS)

## SD Watersheds



## Water Management Districts



# HB 1001 (DRAINAGE LAW)

- Transferred management & regulation of drainage found in SDCL Chapters 46A-10A & 46A-11 from counties to WMDs.
- Most of the changes proposed in this portion of the bill involved striking county and replacing it with WMD. Real “changes” to current laws are minimal.

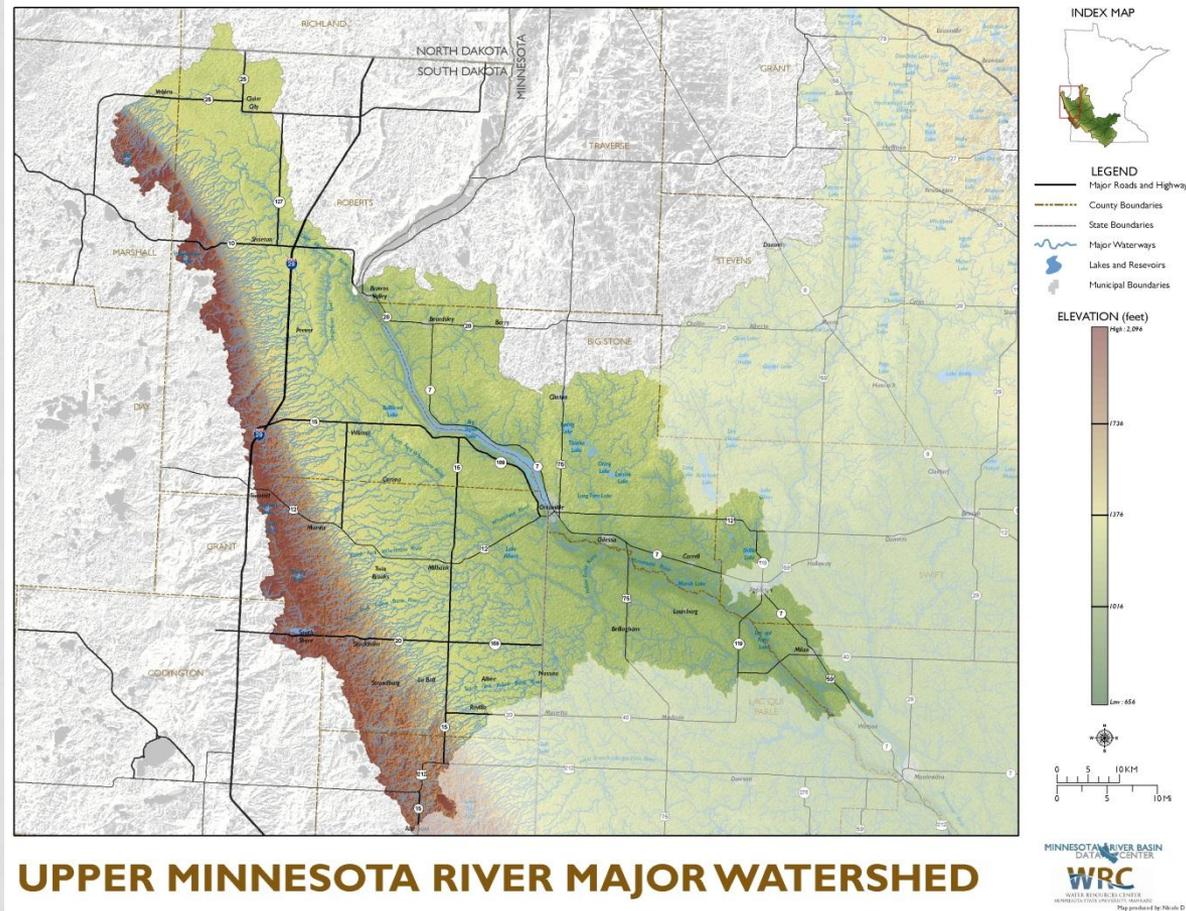
# HB 1001 (DRAINAGE LAW)

- Drainage plans are required for each district.
- Minimum requirements for the plans are defined.
- Deadline (4 years) for District drainage plans to be adopted established, with penalties for failure to comply.
  - Non-compliance would prevent projects located within the district from inclusion on the state water plan.

# HB 1001 (DRAINAGE LAW)

- Each WMD to have one (or more?) 9-member drainage commissions, the composition of which is prescribed.
  - The commission would be composed of elected officials representing counties, municipalities, conservation districts and townships located within the districts, two members of the WMD board, and tribal governments if present.
- Drainage commission(s) actions subject to approval by the WMD Board.
- All commission costs and expenses are the responsibility of the WMD.

# UMR SUB-DISTRICT OF EDWMD?



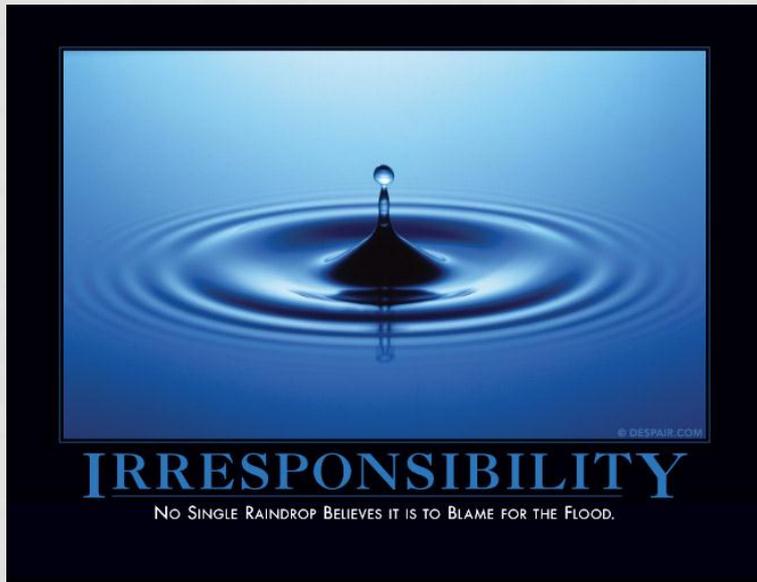
# HB 1001 (DRAINAGE LAW)

- Drainage commissions to act on drainage disputes.
  - Provides a basic mechanism for technical review of drainage disputes and for the optional mediation of drainage disputes, including the use of existing state or federal mediation programs if agreed by the agencies operating the programs.

# HB 1001 (WATERSHED DISTRICTS)

- Repealed SDCL Chapter 46A-14, Watershed Districts.
- Existing WDs had the option of continuing on as water project districts.
- Existing WDs that do not become WPDs are abolished.

# HB 1001 REDUX



- The bill as presented was not perfect.
- BUT, it does represent an effort to deal with water management at a watershed scale.
- It, or something similar, would seem to be a good match with the RWATF mission.