



**MEETING LOCATION:**  
WEST RIVER ELECTRIC  
3250 SD HWY 44  
Rapid City, SD 57703

**AGENDA**  
**Tuesday, July 11, 2017**  
**6 p.m.**

1. **Pledge of Allegiance** (Chair)
2. **Invocation (You are welcome to participate, but not required)** (Deurloo)
3. **Roll Call of Members** (Secretary)
4. **Approval of Agenda** (Chair) *The board cannot take official action on any item(s) not on the agenda.*
5. **Approval of Previous Meetings Minutes** (Chair)
6. **Treasurers Report**
  - 2 Terabyte hard drive for backup approved by Executive Committee (\$85.19)
7. **Office Lease Renewal** (Secretary/Admin)
8. **SDPAA Insurance** (Secretary/Admin)
9. **Second Vote on USGS Streamflow Gaging Stations Continuation Project:** David Bender (Akers)
10. **Budget Proposals** (Treasurer/Admin)
11. **Chairman's Comments**
12. **Items from Directors**
13. **Items from Admin**
  - By-Law Change (Article IV Section 1)

- Policy 3 Change
- Tentative Meeting Schedule (January 2018 Addition)
- Water Use Permit Document

**14. Items from Public**

**15. Adjournment**



Draft Minutes for meeting on **May 9, 2017**

*An audio recording is available for this meeting at [westdakotawater.com](http://westdakotawater.com).*

**CALL TO ORDER:** The West Dakota Water Development District convened for its regular board meeting at West River Electric, 3250 SD Hwy. 44 Rapid City, SD. Chairperson Mueller called the meeting to order at 6:02 pm by leading the Pledge of Allegiance. Director Deurloo gave an opening prayer. Directors present: Kenn Moss (District 1), Dan Bjerke (District 2), Mike Mueller (District 3), Robert Akers (District 5), Robert Williams (District 6), Ken Steinken (District 7), James Bialota (District 8), Jeanette Deurloo (District 9).

Director(s) absent: Nathan Gjovik (District 4). A quorum was declared.

Employees present: Emily Martinez (Administrative Manager), Leon Ewert (Parliamentarian).

Others in attendance: Jerome Wright (PhD student SDSMT), David Bender (USGS), Bill Eldridge (Citizen), Joanne Noyes (SD Geological Survey), Galen Hoogestraat (USGS), Barry Muxen (Clean Water Alliance), Dan Richer (Citizen), George Ferebee (Citizen).

**APPROVAL OF AGENDA** – Moved by Steinken and seconded by Bjerke to approve the agenda. Motion passed unanimously.

**APPROVAL OF PREVIOUS MEETING MINUTES** – Moved by Akers and seconded by Bialota to approve minutes from the March 14, 2017 meeting with a change noting that a recording of the meeting is available online. Motion passed unanimously.

#### **TREASURERS REPORT**

Akers presented the Treasurer's Report indicating significant bills paid which included a \$150,000 payment to the Canyon Lake Dredging Project and a final payment of \$15,916.88 to SDSMT for the Didymo study.

Moved by Moss and seconded by Bjerke to approve Treasurer's Report as presented. Motion passed unanimously.

Moved by Deurloo and seconded by Moss to reimburse Ewert for cost of shredding WDWDD check blanks with incorrect mailing address (\$6.39) and software for recording meetings (\$34.99). Motion passed unanimously. Bialota recommended not paying for check shredding in the future as it is a free service offered by some banks.

Moved by Akers and seconded by Bjerke to pay annual dues of \$100 to Black Hills Multiple Use Coalition. Motion failed 4- 4. Mueller, Bialota, Moss and Williams opposed.

## **TAX LEVY REQUEST**

Moved by Akers and seconded by Biolata to check “Estimated max tax dollars available” on the 2017 Tax Levy Request and to submit prior to deadline. Motion passed unanimously.

## **2016 ANNUAL REPORT**

Moved by Deurloo and seconded by Bjerke to accept the 2016 Annual Financial Report as presented. Motion passed unanimously.

## **H2E ADMINISTRATION CONTRACT**

Moved by Bjerke and seconded by Moss to accept terms for one-year renewal as proposed by H2E for the administration and management of West Dakota Water Development District effective August 1, 2017. H2E offered to provide the same services as previous years for the reduced lump sum of \$63,400, a \$10,180 reduction from the original contract amount of \$73,580. Motion passed unanimously.

## **USGS CANYON LAKE/RAPID CREEK STUDY FUND REQUEST – Second vote**

Hoogestraat reported that USGS had refined some lab details in the proposal. He also stated that USGS had taken the first samples (potentially at their own expense) on Monday, May 8 in order to coordinate with the samples taken by H2E and DENR for DNA and pathogenicity studies. Williams asked if there were plans to test for heavy metals. Hoogestraat said there were no plans at this time to test for heavy metals.

Moved by Bjerke and seconded by Williams for the second vote to grant USGS \$20,000 per year for 2 years to be paid in quarterly installments as routine expenditures for the proposed “Water Quality Monitoring of Canyon Lake, 2017-2018” study. Motion passed unanimously.

## **USGS STREAMFLOW GAGING STATIONS CONTINUATION PROJECT**

David Bender of USGS presented background information about the Dakota Water Science Center South Dakota Gaging Network. The presentation (which can be viewed at [westdakotawater.com/agendasminutes.html](http://westdakotawater.com/agendasminutes.html)) included maps of stream gage locations across the state and around the Black Hills, a cross-section illustration of the hydrologic setting of the Black Hills, along with graphs and charts created from data collected by the Castle Creek and Rhoads Fork streamflow gages over a period of 30 or more years. He explained that the funding request remained the same as the previous year’s request with USGS providing \$11,725 of the \$26,150 annual cost to operate and maintain the two stream gages.

Moved by Akers and seconded by Steinken to continue to grant \$14,785 to fund the operation and maintenance of Castle Creek and Rhoads Fork streamflow gages from October 1, 2017 to September 30, 2018 for the Dakota Water Science Center Water Resources Investigations project as outlined in the Joint Funding Agreement submitted by USGS.

George Ferebee stated that he believed the USGS had also requested that Pennington County Commission fund the same stream gages and asked that the board consider waiting until next meeting to make a decision to ensure that the USGS was not “double dipping.”

Bender stated that only WDWDD and USGS were funding the Rhoads Fork and Castle Creek streamflow gages. He added that there also may be precipitation gages at those locations that the Pennington County Emergency Management funds.

Moved by Moss and seconded by Biolata to table motion until next meeting. Motion failed, 4-4. Bjerke, Akers, Steinken and Deurloo opposed.

Chair Mueller called for a vote on the motion to continue to fund Rhoads Fork and Castle Creek streamflow gages from October 1, 2017 to September 30, 2018. Motion passed 6-2. Moss and Biolata opposed.

### **2018 HYDROLOGY CONFERENCE KEYNOTE SPEAKER FUNDING REQUEST**

South Dakota Geological Survey staff Joanne Noyes requested the WDWDD board to continue to fund the John T. Loucks Keynote speaker for the 2018 Western South Dakota Hydrology Conference.

Moved by Deurloo and seconded by Biolata to grant \$2,000 to fund the John T. Loucks Keynote Speaker for the 2018 Western South Dakota Hydrology Conference. Motion passed unanimously.

## **New Items/Business**

### **CONSERVATION OF WATER THROUGH USE OF COMPOST - Funding Request:**

SDSMT PhD student Jerome Wright presented information from his draft research proposal to study “The conservation of irrigation water through the use of compost as a soil amendment.” Wright conducted a demonstration showing the different absorption rates of three soil samples with 10 percent, 5 percent and no compost. Wright also answered questions concerning his project budget. (See [5/9/2017 Board Packet](#) for details.)

Moved by Bjerke and seconded by Steinken to grant \$25,000 to fund a portion of “The conservation of irrigation water through the use of compost as a soil amendment” study as requested in Wright’s proposal. Motion failed 6-2. Moss, Mueller, Biolata, Akers, Williams and Deurloo opposed.

**CHAIRMAN’S COMMENTS** - none

**ITEMS FROM DIRECTORS** - none

### **ITEMS FROM ADMINISTRATION**

KOTA-TV taped DNA water sampling of Rapid Creek and conducted interviews on Monday, May 8 and Tuesday, May 9. A story about the testing will air some time in the future.

**ITEMS FROM THE PUBLIC** – The floor was opened to the public. Former WDWDD director and treasurer Dan Richer apologized to the board and Martinez for his actions and comments at the last meeting he attended in January. He asked that his apology be entered into the public record.

Barry Muxen of the Black Hills Clean Water Alliance announced that BHCWA meets the second Saturday of the month at 9 am at Rapid City Public Library. Currently the main issue they are dealing with is proposals for mining uranium near Edgemont and other locations around the Black Hills. More information about BHCWA is available at [www.blackhillscleanwateralliance.com](http://www.blackhillscleanwateralliance.com).

Meeting adjourned at 8:51 pm.

Respectfully Submitted,

Ken Steinken, Secretary



United States Department of the Interior  
U.S. GEOLOGICAL SURVEY  
Dakota Water Science Center

ND Programs Office  
821 E. Interstate Avenue  
Bismarck, ND 58503

SD Programs Office  
1608 Mountain View Road  
Rapid City, SD 57702

April 28, 2017

Ms. Emily Martinez  
Administrator  
West Dakota Water Development District  
P.O. Box 6365  
Rapid City, South Dakota 57709

Dear Ms. Martinez:

Enclosed are two signed originals of our standard joint-funding agreement (18EMSD0001) for the Dakota Water Science Center Water Resources Investigations project of operation and maintenance of two streamflow gages – Castle Creek above Deerfield Reservoir (seasonal, non-ice period) and Rhoads Fork near Rochford, during the period October 1, 2017 through September 30, 2018 in the amount of \$14,785 cash from your agency. U.S. Geological Survey contributions for this agreement are \$11,725 for a combined total of \$26,510. Please sign and return one fully-executed original to Jennifer Bednar at the address above.

Federal law requires that we have a signed agreement before we start or continue work. Please return the signed agreement by **October 1, 2017**. If, for any reason, the agreement cannot be signed and returned by the date shown above, please contact Joyce Williamson by phone number (605) 394-3219 or email [jewillia@usgs.gov](mailto:jewillia@usgs.gov) to make alternative arrangements.

This is a fixed cost agreement to be billed annually via Down Payment Request (automated Form DI-1040). Please allow 30-days from the end of the billing period for issuance of the bill. If you experience any problems with your invoice(s), please contact Jennifer Bednar at phone number (605) 394-3218 or email at [jbednar@usgs.gov](mailto:jbednar@usgs.gov).

The results of all work performed under this agreement will be available for publication by the U.S. Geological Survey. We look forward to continuing this and future cooperative efforts in these mutually beneficial water resources studies.

Sincerely,

Joyce E. Williamson  
Director

Enc.: 18EMSD0001(2)

Form 9-1366  
(April 2015)

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations

Agreement#: 18EMSD0001  
Customer#: 6000000742  
Project #: NT009R0 00100  
TIN #: 46-0385532  
USGS DUNS #: 126301386

Fixed Cost Agreement YES[ X ] NO[ ]

THIS AGREEMENT is entered into as of the October 1, 2017, by the U.S. GEOLOGICAL SURVEY, Dakota Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the West Dakota Water Development District party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation for Water Resource Investigations for operation and maintenance of two streamflow gages – Castle Creek above Deerfield Reservoir (seasonal, non-ice period) and Rhoads Fork near Rochford, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

(a) \$11,725 by the party of the first part during the period  
October 1, 2017 to September 30, 2018

(b) \$14,785 by the party of the second part during the period  
October 1, 2017 to September 30, 2018

\$3,060  
unmatched

(c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of :

Description of the USGS regional/national program:

(d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties

(e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request; be furnished by the party of the first part; at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties.

9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered annually. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983.)



Form 9-1366  
(April 2015)

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations

Agreement#: 18EMSD0001  
Customer#: 6000000742  
Project #: NT009R0 00100  
TIN #: 46-0385532  
USGS DUNS #: 126301386

**USGS Technical Point of Contact**

Name: Joyce Williamson  
Supervisory Hydrologist  
Address: 1608 Mountain View Road  
Rapid City, SD 57702  
Telephone: (605) 394-3219  
Fax: (605) 355-4523  
Email: jewillia@usgs.gov

**Customer Technical Point of Contact**

Name: Emily Martinez  
Administrator  
Address: P.O. Box 6365  
Rapid City, South Dakota 57709  
Telephone: (605) 394-2685  
Fax:  
Email: EMartinez@h2eincorporated.com

**USGS Billing Point of Contact**

Name: Jennifer Bednar  
Administrative Officer  
Address: 1608 Mountain View Road  
Rapid City, SD 57702  
Telephone: (605) 394-3218  
Fax: (605) 355-4523  
Email: jbednar@usgs.gov

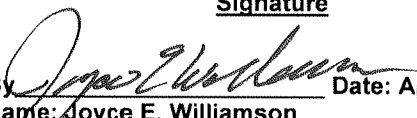
**Customer Billing Point of Contact**

Name: Emily Martinez  
Administrator  
Address: P.O. Box 6365  
Rapid City, South Dakota 57709  
Telephone: (605) 394-2685  
Fax:  
Email: EMartinez@h2eincorporated.com

U.S. Geological Survey  
United States  
Department of Interior

West Dakota Water Development District

Signature

By  Date: Apr 28, 2017  
Name: Joyce E. Williamson  
Title: Director

Signatures

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

## **Current Policy 3 (7/12/2016)**

### **POLICY 3: SUPPORT FOR WATER PROJECTS**

The Board of the District may provide technical and/or financial assistance, (IAW the Financial Policy 29) cooperate or contract with any individual, state, or subdivision thereof, federal agency, or private or public corporation to carry out the intent and purposes of Chapters 46A-3A to 46A-3E, inclusive, of South Dakota Codified Law, However, it is the stated policy of the West Dakota Water Development District that it's role will not be as substitute for those functions and activities that are specifically designated to other special purpose districts or like organizations authorized under South Dakota law (e.g., sanitary districts, irrigation districts, drainage districts, watershed districts, water districts etc.).

**Suggested Amendment** *(adds general policy statement from the WDWDDs original set of policies)*

### **POLICY 3: SUPPORT FOR WATER PROJECTS**

The West Dakota Water Development District Board of Directors affirms its leadership mission in the planning, promotion and coordination of water development projects. Such projects may deal with implementation or research activities relating to the conservation, location and discovery, storage, distribution and utilization of new and existing water resources. The Board of the District may provide technical and/or financial assistance, (IAW the Financial Policy 29) cooperate or contract with any individual, state, or subdivision thereof, federal agency, or private or public corporation to carry out the intent and purposes of Chapters 46A-3A to 46A-3E, inclusive, of South Dakota Codified Law.

State law (SDCL 46A-3E-7) provides that a water development district may assist or construct a water resources project\* if it has entered into a contract with a project sponsor. However, it is the stated policy of the West Dakota Water Development District that its role **will not** be a substitute for those functions and activities that are specifically designated to other special purpose districts or like organizations authorized under South Dakota law (e.g., sanitary districts, irrigation districts, drainage districts, watershed districts, etc.).

The West Dakota Water Development District Board of Directors firmly believes that the conservation, management and development of area water resources is vital to the public interest. The West Dakota Water Development District will pursue projects that provide conservation, storage, distribution and utilization of our water resources within the context of a prudent water management philosophy.

While the statutes authorizing and creating water development districts did not intend for them to construct or operate special projects as the primary project sponsor, there is a strong desire on the part of the West Dakota Water Development District Board of Directors to become a direct facilitator in developing our water resources and solving water related problems.

The West Dakota Water Development District Board of Directors recognizes problems created by existing rural, non-farm development and the need to resolve problems associated with such development. It is the stated policy of the Board that any assistance (direct or indirect) provided by the West Dakota Water Development District be delivered in a manner that will not encourage further rural, non-farm development commonly referred to as urban sprawl.

*\*SDCL 46A-2-4(14) Definition: Water resources projects" or "water resources development," contracts for the marketing of water service or the facilities by which water is controlled, regulated, reclaimed, or made available for use, or the quality of which is protected and improved, including any wells, reservoirs, dams, water reclamation facilities, wastewater treatment facilities, intake structures, pumping stations, equipment, rights-of-way or easements, works or facilities, land and buildings or other real or personal property intended either to generate or sell hydroelectric power from projects which may include provisions for irrigation, municipal, rural, or industrial water supplies or to control, regulate, drain, reclaim, dispose of, pump, store, treat, purify, distribute, deliver, put into aquifers or water courses, or otherwise make available water for any beneficial use. The term includes the studies, investigations, plans, construction, operation, or maintenance associated with the facilities, and debt service reserve funds, funds to provide capitalized interest and any costs incurred in connection with the issuance of obligations to finance any of the foregoing.*

## **Current By Law**

### **ARTICLE IV - MEETINGS (REGULAR, ANNUAL, AND SPECIAL)**

#### **Section 1 - Regular Meeting**

There shall be six (6) regular meetings of the Board of Directors each year and one meeting designated in December to approve payment of bills. These meetings shall be scheduled on the second Tuesday of the Months of January, March, May, July, September, November, and December at a place and time to be specified by the Board of Directors. The Board of Directors by concurrence of a majority vote may cancel any regular meeting or change the place, date or time of such meeting. Notice of such regular meeting shall be mailed by the Secretary to each Director at least seven (7) days before each meeting, provided that, in lieu of written notice, the Secretary may give notice by telephone if made at least three (3) days prior to the meeting. In the case of telephone notice, at least a majority of the Directors shall assure the Secretary of intention to attend the meeting. Unless otherwise specified by the Board, regular meetings shall be open to the public.

## **Suggested Amendment**

### **ARTICLE IV - MEETINGS (REGULAR, ANNUAL, AND SPECIAL)**

#### **Section 1 - Regular Meeting**

There shall be six (6) regular meetings of the Board of Directors each year and one meeting designated in August for the Public Budget Hearing. These meetings shall be scheduled on the second Tuesday of the Months of March, May, July, October, December and January of the next year at a place and time to be specified by the Board of Directors. The January meeting will be designated as the Annual Meeting for Election of Officers and when applicable, Oaths of Office for new Directors. The Board of Directors by concurrence of a majority vote may cancel any regular meeting or change the place, date or time of such meeting. Notice of such regular meeting shall be mailed by the Secretary to each Director at least seven (7) days before each meeting, provided that, in lieu of written notice, the Secretary may give notice by telephone if made at least three (3) days prior to the meeting. In the case of telephone notice, at least a majority of the Directors shall assure the Secretary of intention to attend the meeting. Unless otherwise specified by the Board, regular meetings shall be open to the public.



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## TENTATIVE 2017 MEETING SCHEDULE

**Tuesday, January 12:** Regular Meeting

- Election of Officers

**Tuesday, March 14:** Regular Meeting

- Regular Business Meeting

**Tuesday, May 9:** Regular Meeting

- Start of Next Year Budget Discussion
- Administration Contract Renewal

**Tuesday, July 11:** Regular Meeting

- Present a Proposed Budget
- Office Lease Renewal

**Tuesday, August 8:** Budget Hearing

- Adoption of Budget

**Tuesday, October 10:** Regular Meeting

- Strategic Planning for 2018

**Tuesday, December 12:** Regular Meeting

- Regular Business Meeting

**Tuesday, January 9, 2018:** Regular Meeting

- Seating of New Directors (if applicable)
- Election of Officers
- Tentative Meeting Schedule (March, 2018 – January, 2019)
- Designation of Official Newspapers
  - Rapid City Journal
  - Hill City Prevailor
  - New Underwood Post
- Posting of Vacancies due to Term Expiration

January 12, 2017

Ms Karen Schlaak  
Water Rights Program  
535 East Capitol Avenue  
Pierre, SD 57501-3182

Dear Ms. Schlaak:

In response to your letter of December 14, 2016, the West Dakota Water Development District Board of Directors has discussed this matter and would like to retain the above reference Future Water Use Permit. We would request that this permit remain in effect for the following reasons:

- There is a reasonable chance that this water would be needed in the future for either urban and/or rural usage.
- Alternative water sources to this area are needed as western South Dakota and the Black Hills as the region continues to grow and existing water supplies are limited.

If you have any questions or need further information, please contact me.  
Minutes of meeting authorizing this are available if needed.

Sincerely,

Leon H Ewert  
Administrative Manager