South Dakota Water Resources Management Act: A Tool for Water Resources Development

Cooperative Extension South Dakota State University

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South Dakota Water Resources Management Act

(A Tool for Water Resources Development)

Cooperative Extension Service
South Dakota State University, Brookings
U.S. Department of Agriculture
South Dakota Water Resources Management Act

A TOOL FOR WATER RESOURCES DEVELOPMENT

By


The 1972 legislature provided South Dakota people with a new mechanism for accomplishing orderly development of the water resources of the state. The objective as stated in the Act is "... to provide a means for planning, funding and construction of a state water resources management system for the state of South Dakota."

The Act has several basic provisions that are new to South Dakota. This Fact Sheet outlines the basic provisions and discusses briefly how the "system" would work.

Basic Provisions

Projects Formulation and Finance Committee

The Act creates a Water Projects Formulation and Finance Committee to be constituted as follows:

1 member of South Dakota Conservancy District
1 member of South Dakota Game, Fish and Parks Commission.
1 member of South Dakota Conservation Commission.
1 member of South Dakota Water Pollution Committee.
3 persons appointed by the Governor.
A member from each conservancy sub-district board of directors.
There is also a 13-man advisory committee of technical people.

An objective of the committee is to resolve conflicting special interests of federal, state and local agencies or private interests in proposed water projects.

The committee is also charged with assisting the South Dakota Conservancy District board of Directors in several tasks, the main ones being (1) formulation of a comprehensive statewide water plan by 1975; (2) consideration to be given in the state water plan for the designation of certain rivers or sections of rivers as wild, scenic and recreational rivers; (3) make recommendations to the Governor and Legislature as to water facilities needed; (4) estimate costs and returns from proposed water facilities; (5) allocate benefits and costs among governmental and/or private interests; (6) recommend to the Legislature certain priority water facilities as the "water resources management system."

Financing Provisions

In addition to receiving appropriations from the state's general fund the state conservancy district board is given power to raise funds for planning, engineering, construction and associated costs by contracting for federal grants and loans and/or the issuance of revenue bonds with necessary interim borrowing. Bonding, however, must be with Legislative approval. Revenue bonds must be covered by income to be derived from fees, rentals or services provided users of the particular project for which the bonds were issued. The bonds thus issued cannot become an obligation of the state of South Dakota.

South Dakota Water Facilities Construction Fund

All moneys received from the issuance of bonds, rentals or payment for water services or from other sources will be deposited in a special revolving fund called the South Dakota Water Facilities Construction Fund. Payments for engineering, construction, etc., will be made from the fund. The state conservancy district administers the fund.

Legislative Authorization

No project can be built under this Act without approval of the legislature for that particular project. Neither can revenue bonds be issued for a project without legislative authorization.

How the System Would Work

Any sub-division of state government or other legally constituted group could make application to the state conservancy district board for consideration of a water development project. The state conservancy district board in cooperation with the Water Projects Formulation and Finance Committee would consider the application. Consideration would include its priority status, benefit and cost allocations, cost estimates and financing arrangements.

Financing may come from a variety of sources, such as the organization making the application, federal grants or loans, issuance of bonds as discussed above, and perhaps from state appropriated funds if benefits to be realized were statewide. Regardless of the source or combination of sources any project thus funded would be incorporated into the State Water Management System with funding to be processed through the Water Facilities Construction Fund.