



**BOARD OF WATER
AND NATURAL RESOURCES**

**August 9, 2022
1:30 p.m. CT**

**VIA Teleconference
August 9 at 1:30 p.m. CT.**

If you wish to participate, dial 1-605-679-7263. After dialing you will be prompted to enter a code. The code for the meeting is 783 704 219#.

Audio of the meeting and the full board packet can be found on the South Dakota Boards and Commissions Portal at <http://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=108>

AGENDA

August 9, 2022

1:30 p.m. CT

1. Call meeting to order and roll call
2. Approve Agenda
3. Public Comment Period
4. McCook Ballot Question to join Vermillion Basin Water Development District – Mike Perkovich
5. Adjourn

The Vermillion Basin Water Development District

Phone: (605) 563-2883
email: vbwdd@hotmail.com

1111 Railway Street, Ste 2
Centerville, SD 57014

7-21-2022

Andy Bruels
Director
Financial & Technical Assistance
SD Department of Ag & Natural Resources
523 E Capitol Ave
Pierre, SD 57501-3182

Dear Mr Bruels:

The Vermillion Basin Water Development District is attempting to expand the District's boundaries to include McCook County. The process for implementing the addition of this territory is laid out in SDCL 46A-3A-16. Additions and withdrawals of territory.

After a water development district has been established pursuant to the provisions of chapters 46A-3A to 46A-3E, inclusive, any county, township, or group of townships contiguous to the external boundary of the water development district may be added to and become a part of that water development district by an affirmative vote of a majority of the votes cast on the question in the area proposed for addition, if the board of directors of the water development district to which any addition is to be made by resolution advises the Board of Water and Natural Resources that the water development district board favors the addition. Any county or that entire portion of a county included within a water development district may be withdrawn from a water development district by an affirmative vote of a majority of the votes cast on the question in the county proposed for withdrawal. Proposals for additions or withdrawals shall be in the form of a written resolution or petition to the Board of Water and Natural Resources.

The resolution shall be approved with an affirmative four-fifths vote of the governing body of a county.

The petition shall be signed by a number of qualified voters in the area proposed for the addition or withdrawal equal to at least five percent of the number of votes cast within the area in the most recent gubernatorial election. The county auditor in each county where a petition is circulated shall verify the signatures on the petition.

The resolution or petition shall include a statement whether the election is for the purpose of becoming a part of an existing water development district or withdrawing from an existing water development district and a statement describing the purpose of the action. The resolution or petition shall be presented to the Board of Water and Natural Resources not more than one hundred twenty days nor less than ninety days before a regularly scheduled general election. Upon receipt of the resolution or petition, the Board of Water and Natural Resources shall call an election on the question of whether the addition or withdrawal should be made. The election shall be held in conjunction with the next regularly scheduled general election.

I am enclosing a Resolution from the Vermillion Basin Water Development District which authorizes the addition of the territory should the election pass. Additionally, I have included a 4/5 resolution from the McCook County Commissioners requesting the Department of Agriculture & Natural Resources schedule an election. We would like the election to be held during the next general election.

The final step of this process per the statute is to present these resolutions to the Board of Water & Natural Resources not more than 180 days or less than 90 before said election. This correspondence should fulfill that requirement. Please let me know if you need any additional information.

Thank you,

A handwritten signature in black ink, appearing to read "Brad Preheim", written in a cursive style.

Brad Preheim
Manager
Vermillion Basin Water Development District

Enclosures

Cc: Jay Gilbertson, EDWDD

Resolution 2022-09

WHEREAS a request from McCook County landowners has been made to have the McCook County Commissioners adopt a Resolution, as allowed under South Dakota Codified Law (SDCL) 46A-3A-16, requesting a public vote on whether to have McCook County become part of the Vermillion Basin Water Development District (District).

WHEREAS the McCook County Commissioners realize that petitions could be obtained to organize an election for the addition of McCook County to the District.


WHEREAS the McCook County Commissioners take no position on whether the County should become part of the District; it does support the right of electors to have an election on the question of whether to join the District.

NOW THEREFORE BE IT RESOLVED that the McCook County Commissioners hereby request, as allowed under SDCL 46A-3A-16, that the State Board of Water and Natural Resources schedule an election for the purpose of considering the question of whether McCook County should become part of the Vermillion Basin Water Development District.

Roll call vote: Dick Yes Mehlbrech Yes
 Koch Yes Liesinger No Gordon Yes

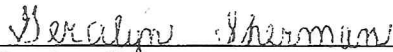
Motion passed/failed and Resolution adopted/rejected.

Dated this 24th day of May, 2022.



Steve Gordon
Chairman, McCook County Commission

ATTEST:



Geraldyn Sherman
Auditor, McCook County



The Vermillion Basin Water Development District

Phone: (605) 563-2883
email: vbwdd@hotmail.com

1111 Railway Street, Ste 2
Centerville, SD 57014

RESOLUTION #22-06

WHEREAS, The Vermillion Basin Water Development District currently represents Turner and Clay Counties; and

WHEREAS, The Vermillion Basin Water Development Board of Directors agrees that the addition of McCook County would be a benefit to both the District and to the Vermillion River as a whole; and

WHEREAS, The Board of Directors of the Vermillion Basin Water Development District recognizes that in lieu of legislative action, an election of the voters of McCook County would be needed to add McCook County to the District; and

WHEREAS, Such an election could occur during the 2022 general election if so requested by the McCook County Commission; and

NOW THEREFORE BE IT RESOLVED, That the Vermillion Basin Water Development District Board of Directors hereby agrees to accept the addition of McCook County to the District if the voters approve said action.

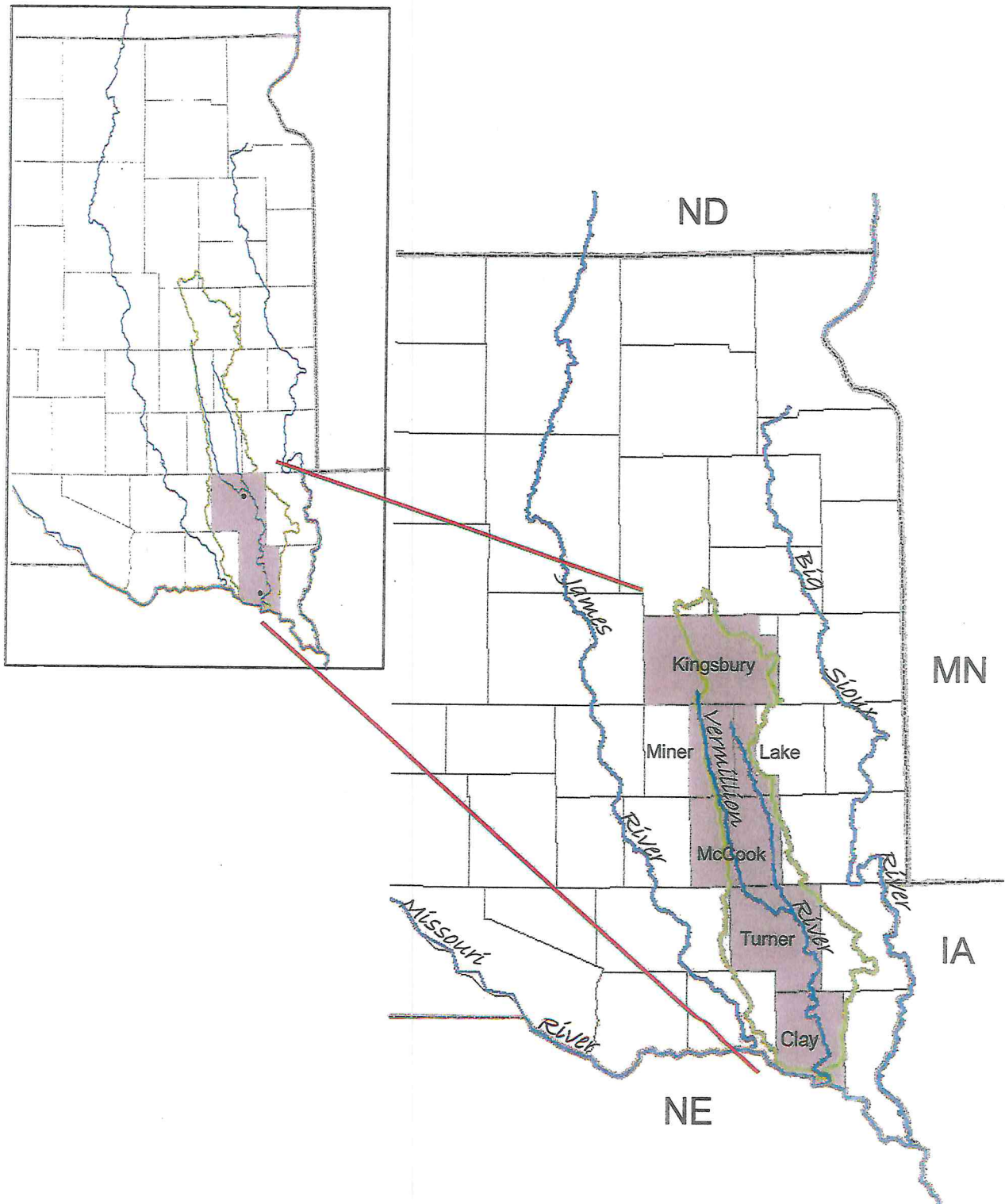
Dated this 18th day of MAY, 2022.

Robert Iverson
Secretary, Vermillion
Basin Water Dev. Dist.

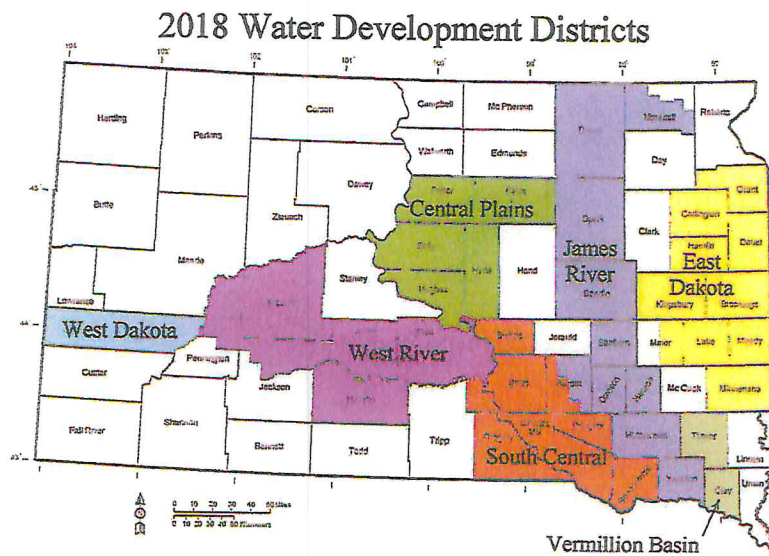
Robert J. Child
Chairman, Vermillion
Basin Water Dev. Dist.



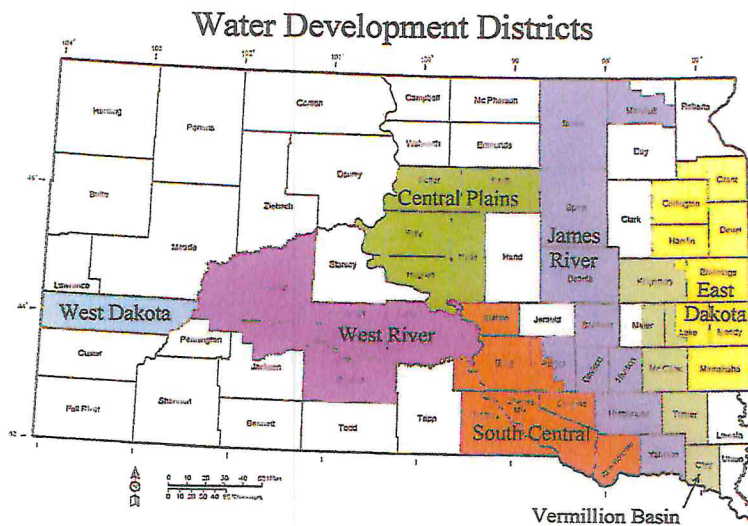
Proposed Expansion of the Vermillion Basin Water Development District



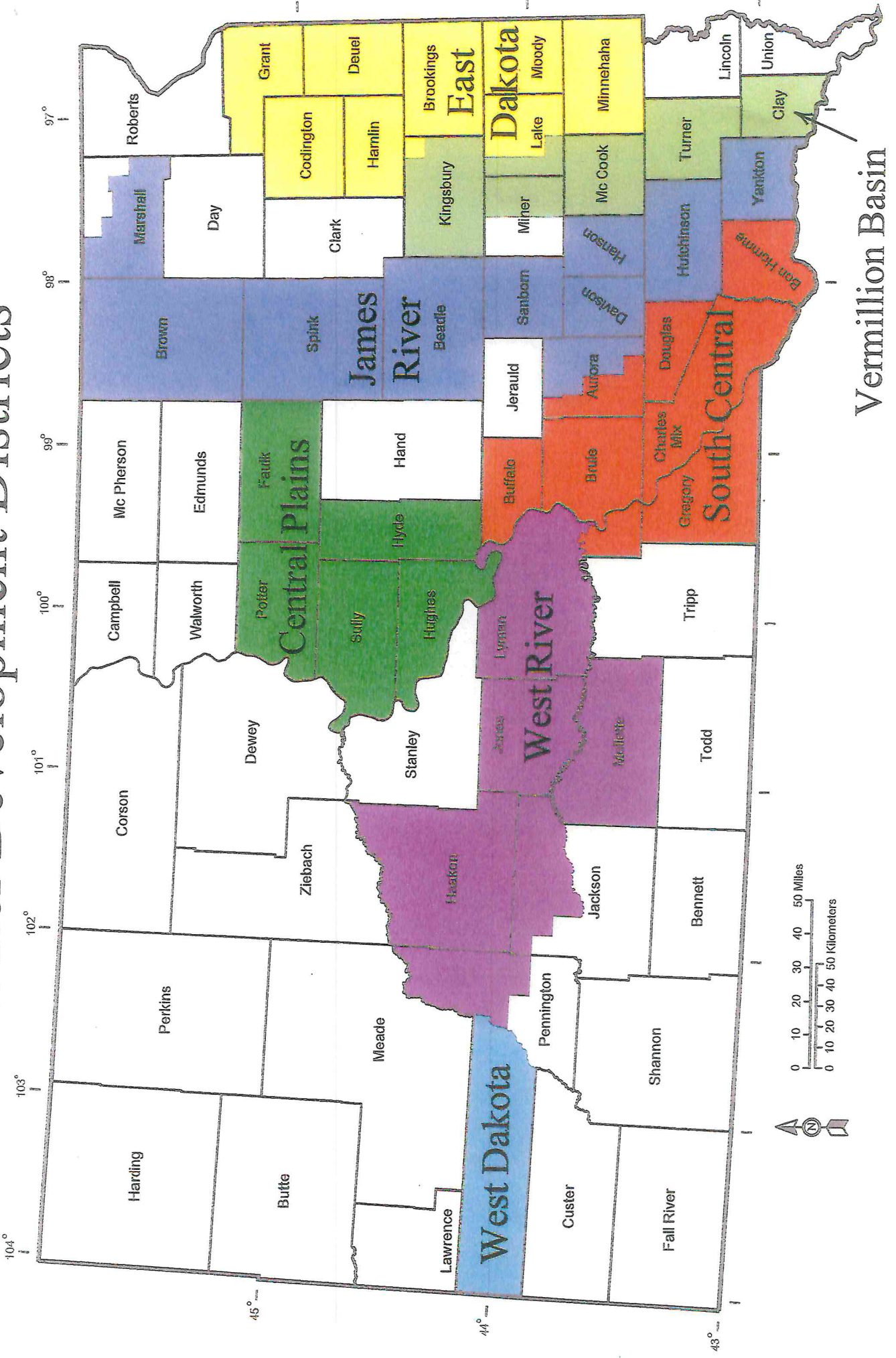
Current configuration of water development districts.



Proposed changes under consideration.



Water Development Districts



OFFICIAL ELECTION BALLOT
MCCOOK COUNTY, SOUTH DAKOTA

NOVEMBER 8, 2022

The following question is submitted to the voters by the County Commissioners:

SHOULD MCCOOK COUNTY BE ADDED TO THE VERMILLION BASIN WATER
DEVELOPEMENT DISTRICT?

The McCook County Commission presented a Resolution to the SD Board of Water and Natural Resources for the purpose of scheduling a vote on whether McCook County should be added to the Vermillion Basin Water Development District. The area proposed to be added to the Vermillion Basin Water Development District consists of the entirety of McCook County. A vote “For” means the voter is in favor of the addition. A vote “Against” means the voter is against the addition.

(Optical Ballot Instructions will be inserted by County Auditor – these ballots are marked by filling in the ovals.)

For the addition to the Vermillion Basin Water Development District.

Against the addition to the Vermillion Basin Water Development District.

STATE OF SOUTH DAKOTA
BOARD OF WATER AND NATURAL RESOURCES
RESOLUTION # 2022-409

FINDING THAT THE RESOLUTION SUBMITTED BY THE McCOOK COUNTY COMMISSION TO SUBMIT TO A VOTE THE QUESTION OF WHETHER McCOOK COUNTY SHOULD BE ADDED TO THE VERMILLION BASIN WATER DEVELOPMENT DISTRICT COMPLIES WITH STATUTORY REQUIREMENTS AND CALLING OF ELECTION ON THE QUESTION OF ADDITION TO THE WATER DEVELOPMENT DISTRICT.

WHEREAS, the McCook County Commission presented a Resolution for the purpose of submitting to a vote of the qualified voters in such county the question of whether McCook County should be added to the Vermillion Basin Water Development District, which district would include all lands located in McCook County; and

WHEREAS, the Resolution complies with the requirements of SDCL 46A-3A-16 and was presented to the Board not more than 120 days nor less than 90 days before the regularly scheduled 2022 general election; and

WHEREAS, further review of the Resolution by staff indicates that the Resolution is in order and the Board should call an election on the question of should McCook County be added to the Vermillion Basin Water Development District.

NOW THEREFORE BE IT RESOLVED, the Board of Water and Natural Resources hereby finds that the Resolution presented for the purpose of submitting to a vote of the qualified voters in such county the question of whether McCook County should be added to the Vermillion Basin Water Development District substantially complies with all the applicable requirements specified in SDCL 46A-3A-16.

BE IT FURTHER RESOLVED, the Board of Water and Natural Resources hereby calls for an election of the qualified voters of McCook County on the question of whether McCook County should be added to the Vermillion Basin Water Development District with the date of said election being set to be held in conjunction with the November 8, 2022, general election.

BE IT FURTHER RESOLVED, that the Secretary, Department of Agriculture and Natural Resources is hereby designated as the representative of the Board to do all things on its behalf allowable with reference to the election to ensure it is conducted in an open and fair manner, and is hereby empowered to delegate such authority in writing to persons under the supervision of the Secretary as deemed appropriate.

Dated this 9th day of August, 2022

(SEAL)

Chairman, Board of Water and
Natural Resources

ATTEST:

Secretary, Board of Water and
Natural Resources