

SOUTH DAKOTA RURAL WATER'S

Quality On Tap!

July 2017 | Volume 13, Issue 1

Missouri National Recreational River

2017 LEGISLATION:
Riparian Buffer Bill

A MESSAGE FROM THE PRESIDENT OF THE BOARD

Ron Gillen, President
South Dakota Association of Rural Water Systems



Golf Tournament

Join us on July 18th for the 31st Annual SDARWS 4-Person Scramble Golf Tournament at Elmwood in Sioux Falls. The tournament is a great opportunity to gather together with other Rural Water folks for a day of camaraderie and fun. You can register your four-person team online at www.sdarws.com/golf.html. All golfers need to be registered at the course by 8:30am. Shotgun start is at 9:00am. We hope to see you on the course!

License Plates

SDARWS is pleased to announce that we have license plate decals for your South Dakota Emblem Specialty License Plates for \$25 (2 decals). Proceeds from the sale of these decals will go to the Rural Water Center Research Center. Decal orders will be mailed out as soon as we receive our emblems from the SD Department of Motor Vehicles. Ask your county treasurer's office for the non-profit/organizational plates. Emblem plates, if acquired during your regular renewal period, do not require an additional application or fee outside of your regular registration fees. If the plate is acquired outside of your renewal period, there is an additional \$10 fee. If you have questions, please call the Madison office at 605-556-7219.



Water Pro

It isn't too early to start thinking about attending this year's WaterPro Conference in Reno, Nevada September 18-20, 2017. NRWA puts on a fantastic show which brings in hundreds of vendors and hosts informative training sessions in operations, management, boardmanship and governance for those involved in water and wastewater utility systems – large and small, municipal and rural. WaterPro features expert speakers from across the water/wastewater industry. Want to hear about new USDA projects or EPA priorities? You can find out at the WaterPro Conference. The WaterPro exhibit hall is filled with vendors and service-providers dedicated to offering high-quality solutions for small and rural water utilities. Find out about all the best solutions for rural water today and tomorrow. For more information on this conference, including registration and hotel reservations, please visit waterproconference.org.

WaterPro[®]

Conference



September 18-20
REGISTER TODAY!
www.waterproconference.org

BOARD OF DIRECTORS

Aurora-Brule Rural Water System
Ron Gillen, President

Kingbrook Rural Water System
Dale Thompson, Vice President

Sioux Rural Water System
Jim Thyen, Secretary

Grant-Roberts Rural Water System
Tom Frogner, Treasurer

Big Sioux Community Water System
Dan Carlson, Past President

Clark Rural Water System
Larry Wasland, NRWA Director

Clay Rural Water System
Glen Gilbertson

BDM Rural Water System
Torre Raap

Brookings-Deuel Rural Water System
Gary Johnson

Butte-Meade Sanitary Water District
Charles Yuill

Davison Rural Water System
Bob Weisz

Fall River Water User District
Jim Ginsbach

Hanson Rural Water System
Doug Degen

Lewis & Clark Rural Water System
Dennis Weeldreyer

Lincoln County Rural Water System
Merlyn Smeenck

Mid-Dakota Rural Water System
James McGillvrey

Minnehaha Community Water Corporation
Lloyd A. Rave

Oglala Sioux Rural Water Supply System
Willard Clifford

Perkins County Rural Water System
Lynn Frey

Randall Community Water District
Dave Meyerink

Rapid Valley Sanitary District/Water Service
Jack Tomac

TM Rural Water District
Jay Jorgensen

Tri-County/Mni Wasté Water Association
J.R. Holloway

Tripp County Water User District
Louis Kehn

WEB Water Development Association
Les Hinds

West River/Lyman-Jones Rural Water System
Rick Doud

Class B East River
Ronald Neeman

Class B West River
Robert Glenn

Class C
Dan Ostrander

Training Calendar

JULY

11-13 – BASIC WATER TREATMENT

Aberdeen Ramkota
1400 8th Avenue NW • Aberdeen, SD 57401

This course is designed to assist those who will be attempting a class I Water Treatment Exam. This is a multiple day course starting a 8:00 a.m. on Tuesday and ending at Noon on Thursday (all times are local time). A minimum of 18 contact hours will be awarded for full attendance. Material covered is based on the ABC Need to Know Requirements for Class I Water Treatment.

AUGUST

8-10 – WATER DISTRIBUTION

Huron Crossroads Hotel
100 4th Street SW • Huron, SD 57350

This course is designed to assist those who will be attempting a class I through IV Water Distribution Exam. This is a multiple day course starting a 8:00 a.m. on Tuesday and ending at Noon on Thursday (all times are local time). A minimum of 18 contact hours will be awarded for full attendance. Material covered is based on the ABC Need to Know Requirements for Class I – IV Water Distribution.

29-31 – WASTEWATER COLLECTION

Watertown Events Center
1901 9th Avenue SW • Watertown, SD 57201

This course is designed to assist those who will be attempting a class I through IV Wastewater Collection Exam. This is a multiple day course starting a 8:00 a.m. on Tuesday and ending at Noon on Thursday (all times are local time). A minimum of 18 contact hours will be awarded for full attendance. Material covered is based on the ABC Need to Know Requirements for Class I – IV Wastewater Collection.

SEPTEMBER

26-28 – INTERMEDIATE WATER TREATMENT

Rapid City Ramkota
2111 N. LaCrosse Street • Rapid City, SD 57701

This course is designed to assist those who will be attempting a class II & III Water Treatment Exam. This is a multiple day course starting a 8:00 a.m. on Tuesday and ending at Noon on Thursday (all times are local time). A minimum of 18 contact hours will be awarded for full attendance. Material covered is based on the ABC Need to Know Requirements for Class II & III Water Treatment.

OCTOBER

3-5 – BASIC WASTEWATER TREATMENT

Spearfish Holiday Inn
305 N. 27th Street • Spearfish, SD 57783

This course is designed to assist those who will be attempting a class I Water Treatment Exam. This is a multiple day course starting a 8:00 a.m. on Tuesday and ending at Noon on Thursday (all times are local time). A minimum of 18 contact hours will be awarded for full attendance. Material covered is based on the ABC Need to Know Requirements for Class I Water Treatment.

NOVEMBER

14-16 – WATER DISTRIBUTION

Sioux Falls Ramkota
3200 W. Maple Street • Sioux Falls, SD 57107

This course is designed to assist those who will be attempting a class I through IV Water Distribution Exam. This is a multiple day course starting a 8:00 a.m. on Tuesday and ending at Noon on Thursday (all times are local time). A minimum of 18 contact hours will be awarded for full attendance. Material covered is based on the ABC Need to Know Requirements for Class I – IV Water Distribution.

REGISTER FOR CLASSES ONLINE AT: go.activecalendar.com/sdarws

Course agendas, maps and registration are all available online at www.sdarws.com. All classes are free unless otherwise noted. For more info on these and other events, visit www.sdarws.com or call 605-556-7219.

You can find the "Need to Know" document along with other information @ http://www.abccert.org/testing_services/2017WaterTreatmentExams.asp

OUT AND ABOUT

JULY

1-2 – ARCHEOLOGY AWARENESS DAYS

Archeology Awareness Days brings archaeologists, primitive technologists and Native American cultural presenters from around the country to the Mitchell Prehistoric Indian Village. There are flint knapping demonstrations, pottery making, Lakota games, story tellers and archaeological presentations. Small admission fee. www.mitchellindianvillage.org

7-8 – NEUTRINO DAY 2017

More than 50 years ago, Dr. Ray Davis began building his Solar Neutrino Experiment nearly a mile underground at Homestake Mine in Lead. Join us as we celebrate this historic moment in history at Sanford Lab's free science festival, Neutrino Day. There are activities at the Sanford Lab, on Main Street, at the Homestake Opera House and at Manuel Brothers Park. www.sanfordlab.org/neutrinoday

14-16 – SISSETON 125TH CELEBRATION

The Sisseton Fine Art Show & Sale will be a part of the three-day Sisseton 125th Celebration. The Art Show will take place Saturday July 15, 10:00 am – 5:00 pm and Sunday July 16, 10:00 am – 4pm at the Thollehau Commons 302 East Maple Street. For more information email artcrawl@hotmail.com

14-15 – HURON MULTIPLE SCLEROSIS WALK/RUN

Bring out your campers and experience Lake Byron and support an excellent cause! Check-in/Breakfast for the 1 mile Walk/5k/10k will start at 7am on Saturday with the Walk/Run and silent auction to start at 8am. Bean bag tournament will start at noon. Jokers 2 the Right take the stage at 8pm Saturday night. Camping: 605-352-2050; Walk registration: 605-350-5922, or register at allsportscentral.com. For more info visit: <http://chamber.huronsd.com/events>.

28-30 – ARLINGTON DAYS

This 3-day celebration has something for all ages. Arlington Days features a Mud Bog side-by-side competition on a 400' track on Saturday afternoon for an opportunity to see some exciting muddy racing action. Bring your 4x4 and get in on the fun! A street dance; Music in the Park; Outdoor Picnic; Kids Fishing Derby; Free Swimming; and lots more entertainment for the whole family. See full list of events at: www.arlingtonsd.com/economic_chamber.

If you would like your event featured in the October 2017 issue of Quality on Tap!, please email your event description to: info@sdarws.com. October's issue will cover events taking place October - December 2017. Event listings are subject to approval by the QOT Editorial Board.

AUGUST

4-6 – 38TH ANNUAL SIOUX RIVER FOLK FESTIVAL

The annual Sioux River Folk Festival, held at Newton Hills State Park near Canton, is a great family event that happens rain or shine. It is dedicated to preserving and promoting traditional music for South Dakotans and the region. Enjoy musical performances and workshops, food vendors and yoga. Musicians perform 6-11 PM on Friday, 12-11 PM on Saturday, and 11 AM-2 PM on Sunday. Workshops are held 10 AM-12 PM on Saturday and 10-11 AM on Sunday. \$35 for a weekend pass; \$20 for Friday night, \$25 for all day Saturday, \$5 for all day Sunday; free for children 14 and under. www.fotm.org/folk-fest

18-20 – YANKTON RIVERBOAT DAYS

An annual community festival held in Riverside Park and around town celebrating Yankton, the Missouri River and the arts. The three-day event includes an arts and crafts show with many vendors set-up in the park, lots of food booths, a large beer garden, live music at all times of the day, kids entertainment, fireworks, carnival, quilt show, concerts and more. Riverboat Days is held in conjunction with the Summer Arts Festival. Free and open to the public. www.riverboatdays.com/index.html

24-27 – HUGH GLASS RENDEZVOUS

The 3rd Annual Hugh Glass Rendezvous celebrates the history of frontiersman and fur trader Hugh Glass, who is known far and wide for surviving a grizzly attack at the forks of the Grand River in 1823. Step back in history nearly two centuries and walk upon the site where history was made, where the man became a legend on the banks of the Grand River and Shadehill Reservoir, at Hugh Glass Park. Events include the Rendezvous, a Plein Air Paintout, guided hikes, vendors of period goods and more. www.hughglassrendezvous.com

SEPTEMBER

9-10 – ANNUAL GRAPE STOMP FESTIVAL

The 2017 Annual Grape Stomp Festival is a celebration of the bountiful grape harvest season. Visit the With the Wind Winery to experience all the stomping, wine-ing, dining, music, shopping and FUN on the prairie two miles south of Rosholt on the east side of Lake Road. The full schedule is available at: <http://withthewindwinery.com/grape-stomp-celebration>

15-16 – NESD CELTIC FAIRE AND GAMES

The annual Northeast South Dakota Celtic Faire and Games is a two-day event held at the Brown County Fairgrounds in Aberdeen. Activities such as concerts, musical workshops, dance performances, dance instruction, heritage arts, demonstrations, traditional Celtic sporting events, historical and genealogical experts and authors will give participants a well-rounded understanding of the Celtic peoples and the lives they lived. Join the fun Saturday, 10 AM-10 PM, and Sunday, 10 AM-4 PM Small admission fee. www.nesdcelticfaire.com



Defending 7 U.S.C. §1926(b)

By Mike Keegan, NRWA Analyst

To ensure borrowers would be able to repay federal loans, Congress included provision 7 U.S.C. §1926(b) in the Consolidated Farm and Rural Development Act in 1961. The purpose of 7 U.S.C. §1926(b) is to protect the integrity of the federal government's outstanding loans by preventing any portion of a water system to be forcibly annexed or "cherry-picked" by another system or municipality. Such annexation would result in the remaining customers being solely responsible for repayment of the loan with fewer customers to share the burden, thereby resulting in a higher cost (hardship) per customer and greater risk of default. This dilemma is of special concern because U.S. Department of Agriculture (USDA) loans are only made available to low and moderate-income rural communities based on household per capita income that cannot obtain commercial credit.

The law's protection is limited to the area where water service is being provided by the utility. It is based on merit; to ensure that economic growth (occurring outside of municipal boundaries) results in the maximum public health advancement, future development, expansion of water service, and reduction of the cost of water service for everyone. When municipalities and large private water systems attempt to lay water lines parallel or lay lines in an area already served by the USDA indebted water utility, there is always a discussion on who should serve the area. At stake is the alignment of the most profitable portion of service area – that is generally why the larger utility now wants to take over after many years of sustained disinterest.

Membership of the National Rural Water Association (NRWA) and state associations (such as the South Dakota Association of Rural Water Systems) is comprised of rural water districts and municipalities. NRWA would only support protection that works fairly for both the cities and the rural water utilities. The §1926(b) law required the predatory system to work out an arrangement of mutual interest to both water utilities as well as for the customers. The alternative would be to allow larger utilities to unilaterally move into the low cost/high revenue portion of the USDA indebted utility and jeopardize the viability and future growth of the rural utility.

Since the passage of §1926(b), the law has been under continual attack in Congress by utilities that desire unfair capture of their neighbor's service area. Their typical strategy is to use a local territorial controversy to convince their local senator or representative to make changes under §1926(b) in order to erode its protection. In each of these cases where the local community was not able to convince its representatives of the merit of §1926(b), NRWA has been successful in marshalling the strength of our association to convince the majority of the remaining representatives or senators to resist changing the law and potentially jeopardizing the entire

mission to extend drinking water service to everyone (especially the neediest). Often these debates are the most intensive advocacy campaigns we undertake. And typically, it is other Rural Water members who are not involved in the particular controversy who use their good relationships with their senators and representatives who are in positions of power to come to the aid of the other members of the rural water movement.

It is likely that without the sustained advocacy of NRWA, the protections in §1926(b) would have been eroded by forces that may not have been right on the merit but happen to have political strength in Congress. Even if you are not actively involved in the particular legislative campaign, your participation in your rural water system and the South Dakota Association of Rural Water Systems strengthens the overall association and allows us to participate and win in these situations.

The virtue and merit of §1926(b) has been upheld in numerous federal appellate courts. And most of all, disputes that result in efforts to change the federal law are not merited by the local facts. In a recent case in Iowa, a rural water district was very eager to provide water to the disrupted territory; however, they needed to know what the water demand would be to provide an appraisal of the new water infrastructure and the city would not cooperate or respond. Then the city proceeded to tell its elected officials that the district would not cooperate and new legislation was needed to allow for forfeiture of their territory.

Defending §1926(b) from attacks in Congress continues to be one of the most beneficial accomplishments and agenda items for NRWA. In Washington, NRWA continually offers assistance and education to any representative or senator by analyzing local disputes or providing understanding of §1926(b) authorities and limitations, or clearing up misunderstandings in the local disputes before considering changes to the law.

Litigation utilizing §1926(b) should be the solution of last resort. Most neighboring water utilities are working constructively and cooperatively to resolve local conflicts. Moreover, numerous neighboring water systems have worked out "good neighbor" relationships through cooperative agreements that provide the highest quality of service to all customers. Again, rural water utilities should only utilize §1926(b) in extreme cases where expanding systems attempt to unilaterally, without discussion, acquire service areas.

The future success of NRWA's §1926(b) advocacy is dependent in participation in your rural water system and state association. "By organizing together with a common agenda, we can accomplish what none of us could achieve on our own... and only by organizing together with a common purpose can we realize the power of an association," said Past NRWA President Doug Anderton.



Rural Water Systems in South Dakota Vary in Organizational Structure

By Greg Merrigan, Manager of Clay Rural Water System

South Dakota has 33 regional rural water systems. They all have one goal in mind – to provide safe, quality water to their members, but how they go about that can vary greatly, depending on their organizational structure.

A water system's organizational structure can determine what taxes they pay, territorial boundaries, election of members of the board of directors, financing and material and equipment purchases. There are four main organizational types – non-profit corporations, tribal entity, Water User District and Sanitary District. When these systems were initially developed, many took a cue from another existing organization in their area such as a rural electric cooperative or municipality.

Non-Profit:

The majority of rural water systems in the state are organized as non-profit corporations. They were modeled in part after rural electric cooperatives which had been operating successfully under that structure for many years. A non-profit is easy to form and just needs to file articles of incorporation with the Secretary of State after some initial organizational work. State law outlines formation and general powers. Non-profits are governed by a Board of Directors, they pay sales and use taxes but do not pay property taxes or federal income tax, although they must file a federal tax return. In order to maintain their tax-exempt status, at least 85% of their income has to come directly from their operations – water sales. Non-

profits do not have defined service areas and under state law have no protection from encroachment from municipal water systems. They do have territorial protection under federal law if they have loans with the federal government. Finally, non-profit rural water systems must comply with state and federal drinking water laws which are enforced in South Dakota by the SD Department of Environment and Natural Resources.

Water User District:

The second most popular organizational structure is the Water User District (WUD). Formation of this type of entity is more time consuming, but can offer many benefits. The district has

defined boundaries and is organized by circulation of a petition that must be signed by twenty-five percent of the landowners in the district. WUD's are subdivisions of state government and are exempt from paying sales tax. They are governed by a Board of Directors, have established and protected boundaries,

can issue tax exempt bonds for building or expansion, can purchase goods and services through existing state government contracts, they receive a refund on federal taxes charged on vehicle fuel and do not pay real estate taxes. WUD employees can participate in the State Retirement System. Although a subdivision of state government, they do not have taxing authority. Finally, like non-profit rural water systems, WUD's must comply with state and federal drinking water laws which are enforced in South Dakota by the SD Department of Environment and Natural Resources.

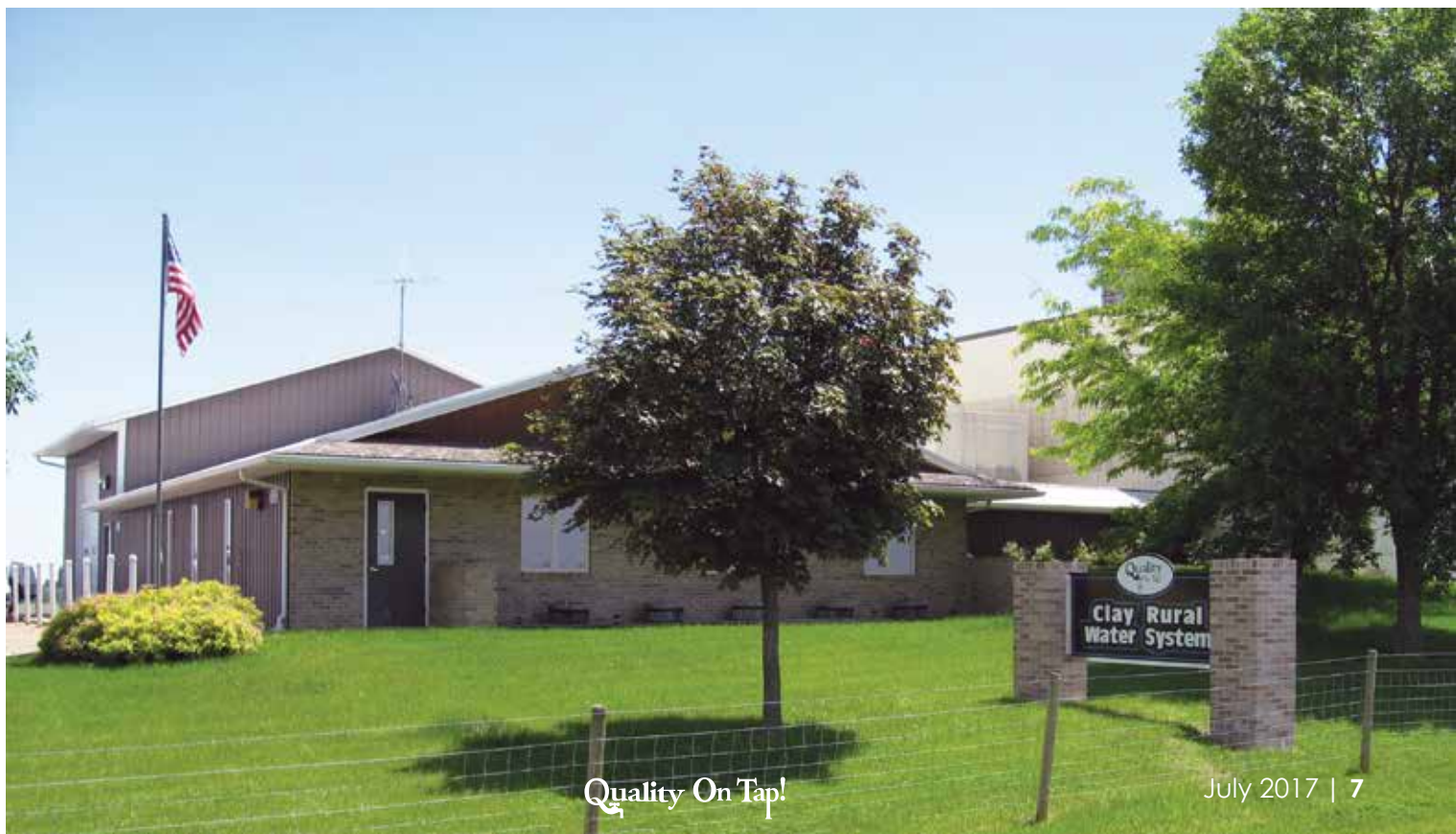
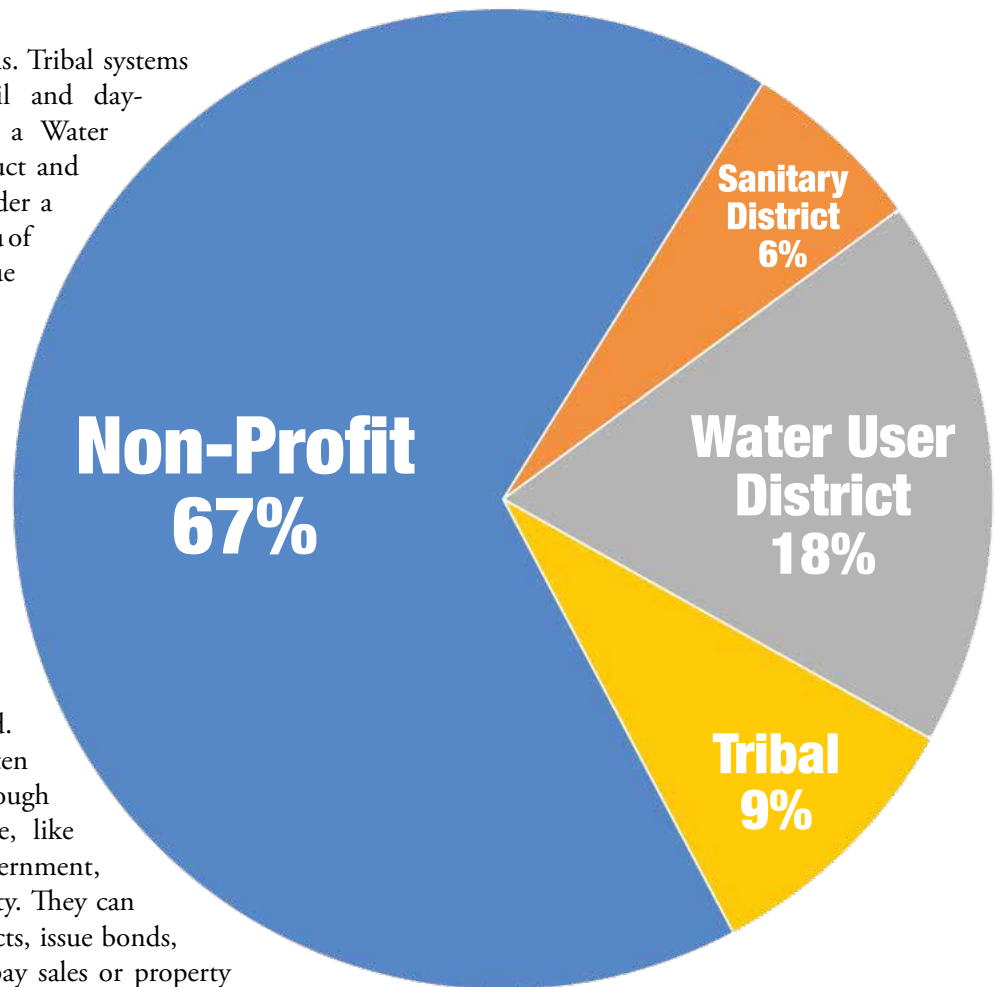
A water systems organizational structure can determine what taxes they pay, territorial boundaries, election of members of the board of directors, financing and material and equipment purchases.

Tribal System:

South Dakota has three tribal systems. Tribal systems are governed by a Tribal Council and day-to-day operations are overseen by a Water Resources Department. They construct and operate their rural water systems under a cooperative agreement with the Bureau of Reclamation. Tribal systems are unique in that they are not regulated by the SD Department of Environment and Natural Resources, but directly by the Environmental Protection Agency.

Sanitary District:

The fourth and final organizational structure is the Sanitary District (SD). This type of district is organized primarily to address a potential sanitary sewer issue in areas that become densely populated. A minimum of thirty residents or ten landowners can form a district through a petition process. The districts are, like WUD's, a subdivision of state government, however they do have taxing authority. They can make purchases through state contracts, issue bonds, have protected boundaries, do not pay sales or property taxes and are governed by a Board of Directors. SD employees can also participate in the State Retirement System. SD officers, employees and agents are immune from legal suits or liability.



Missouri National Recreational River



By Jay Gilbertson, East Dakota Water Development District

The Missouri River currently serves as the primary water source for numerous public water suppliers in South Dakota, including but not limited to, WEB Water Development Association, Mid-Dakota Rural Water System, West River/Lyman-Jones Rural Water System and Lower Brule Rural Water Supply System. It also provides electrical power generation at several hydroelectric dams along its course, and supports a range of recreational activities like boating and fishing. However, many people might not know that it also includes a National Park Service facility, the Missouri National Recreational River.

In 1968, the United States Congress passed the Wild and Scenic Rivers Act. The act declared it to be the policy of the United States “that certain selected rivers of the Nation, which with their immediate environments, possess outstanding remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.”

The Missouri National Recreational River (MNRR) is located on the border between Nebraska and South Dakota. The designation was first applied in 1978 to a 59-mile section of the Missouri

River between Gavins Point Dam near Yankton and Ponca State Park in Nebraska, which is just south of Elk Point. In 1991, an additional 39-mile section between the Fort Randall Dam and the headwaters of Lewis and Clark Lake (near Niobrara, Nebraska) was added to the MNRR. These two stretches of the Missouri River are the only parts of the river between Montana and the mouth of the Missouri that remains free flowing, that is, it is not either dammed or channelized. The last (lower) 20 miles of the Niobrara River and 6 miles of Verdigre Creek in Nebraska were also added to the MNRR in 1991.



The MNRR is managed by the National Park Service (NPS), which has administrative offices in Yankton. Although authorized for up to 40,000 acres, the MNRR formally consists of only about 1,200 acres. Goat Island, which straddles the border between South Dakota and Nebraska, constitutes over two-thirds of this amount. The vast majority of the facilities and resources that are within the area are owned and managed by other local, state and federal entities, with each working cooperatively to protect and preserve various aspects of the area. The MNRR does operate a mobile interpretive center, which can often be found at events large and small along the river.

As called for in the Act, a broad range of outstanding remarkable values are found within the MNRR. The river has served as a principle highway and commerce route for as long as people have

been in the area, including numerous indigenous tribes and early European Americans. Lewis and Clark passed through the area on their epic journey of exploration, and several features they observed remain today. A recently “discovered” relic from the past are remnants of the steamship North Alabama, which sank after running into a snag in the river channel on October 27th, 1870. During periods of low water, portions of the ship, along with what is believed to be the responsible snag, are visible just off the edge of Goat Island.

Within the MNRR there are also numerous opportunities to observe and interact with a range of ecosystems, including stretches of largely undeveloped and wild riparian areas. It provides wintering, nesting and migratory stopover habitat for bald eagles and a wide variety of migratory birds. Shifting sand bars, backwater channels and old-growth cottonwood forests support a range of unique, and sometimes endangered, plants and animals.

The MNRR provides a multitude of recreational opportunities, including numerous types of motorized and non-motorized boating, exceptional birding, fishing, biking, hiking, hunting, photography and artistic pursuits. Activities on the Missouri and Niobrara Rivers can range from highly challenging paddlefish archery to simply floating with the current.

Unlike many other NPS facilities, there is no official MNRR Visitor Center. Instead, information about the MNRR is available at several points along the river, at facilities operated by cooperating entities:

Army Corps of Engineers Lewis and Clark Visitor Center

This visitor center (402-667-2546) includes exhibits and information on the Missouri National Recreational River. It is located on Calumet Bluff just downstream from the Gavins Point Dam in Nebraska. To get there take Nebraska Highway 121, about four miles west of Yankton, South Dakota. Hours of Operation: Open seven days a week: 9:00 AM to 5:00 PM during the warm season; Monday through Friday from 8:00 AM to 4:00 PM October through February. Closed on Federal holidays. Please call ahead as times may change.



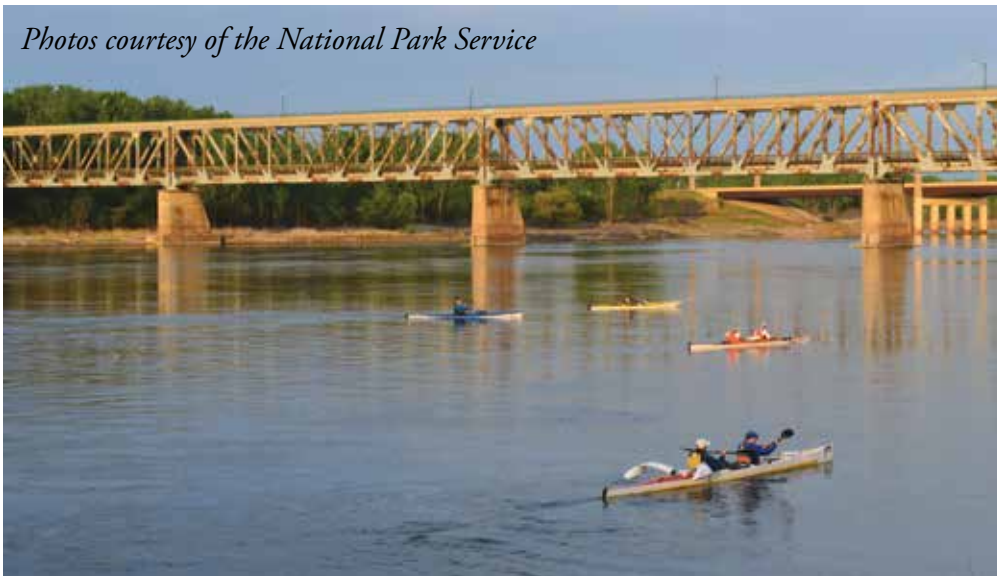
Missouri National Recreational River Resource & Education Center

The building is located in Nebraska's Ponca State Park and houses a large exhibit wing featuring displays on the Wild and Scenic Missouri. It is open Monday through Saturday from 8:00 AM to 5:00 PM and on Sunday from 1:00 PM to 5:00 PM. Hours are extended during the summer. The state park is at the end of Highway Spur 26 E about three miles north of Ponca. A valid daily or annual entry permit is required. To learn more call: 402-755-2284.

Mulberry Bend Overlook

With a great view of the 59-mile reach of the river, this overlook is on the Nebraska side by the Missouri River bridge connecting Vermillion, South Dakota, and Newcastle, Nebraska (SD 19 and Nebraska 15). It is open year-round and is closed only in winter when conditions warrant. Wayside exhibits at the parking area tell the story of the Lewis and Clark Expedition and the historic river. A short hike to the top affords a panoramic vista of the Wild and Scenic Missouri.

Photos courtesy of the National Park Service



SYSTEM SPOTLIGHT

MISSOURI RIVER SYSTEMS

Some people think of the Missouri River as the dividing line that separates the state into two unique regions. Rural Water Systems are using the river to bring South Dakotans together by providing drinking water to the far reaches of the state. Communities from Rosebud to Webster benefit from quality drinking water originating in the Mighty Missouri River.

The idea of pumping water out of the river for drinking water has been discussed for decades. The BNSF Railroad and the City of Aberdeen looked into sharing a water line from the Missouri River east as far as Webster in the 1930s.

The concept of a large Rural Water system for western South Dakota began in Lyman and Jones Counties in the late 1950s. Some of the directors of West Central Electric Cooperative, which included Joe Hieb, decided to investigate the possibility of organizing a Rural Water system to bring quality Missouri River water to residents of Lyman and Jones Counties. Around the same time A.H. "Houston" Rose and Roscoe Riggle were also pursuing a similar plan to provide water to Stanley County and northern Haakon County.

Much of western South Dakota connected to Rural Water through the Mni Wiconi Project. President Ronald Reagan signed the Mni Wiconi Rural Water Supply project Bill into law on October 24, 1988. At that time, the project included the Oglala Sioux Tribe, the West River Rural Water System and the Lyman-Jones Rural Water System. Today, Mni Wiconi consists of four systems: Lower Brule, Oglala Sioux, Rosebud and West River/Lyman-Jones.

In August of 1986, a Senate sub-committee field hearing was conducted in Kadoka. It was during this field hearing that the Oglala Sioux Tribe first expressed an interest in joining the Rural Water system effort. Representatives of the OST Tribal Council requested that they be included in the legislation to deliver Missouri River water to communities and rural areas on the Pine Ridge reservation. Subsequent meetings of the West River System, Lyman-Jones System and the OST produced a piece of legislation that proved to be a milestone in Indian and Non-Indian cooperation. All three entities recognized the need for water in western South Dakota that was sufficient in both quality and quantity. All project sponsors resolved to put differences aside and worked hand-in-hand toward a unified goal – that being good water for all.

The Mni Wiconi systems are still in the process of completing initial construction. Lower Brule was the first system in the project to be completed. The system is located near the river and has its own intake and treatment plant. Lower Brule also receives some water from the Oglala Sioux Rural Water Supply System water treatment plant north of Ft. Pierre. That treatment facility

also provides drinking water for Oglala Sioux Rural Water Supply, Rosebud Rural Water and West River/Lyman-Jones.

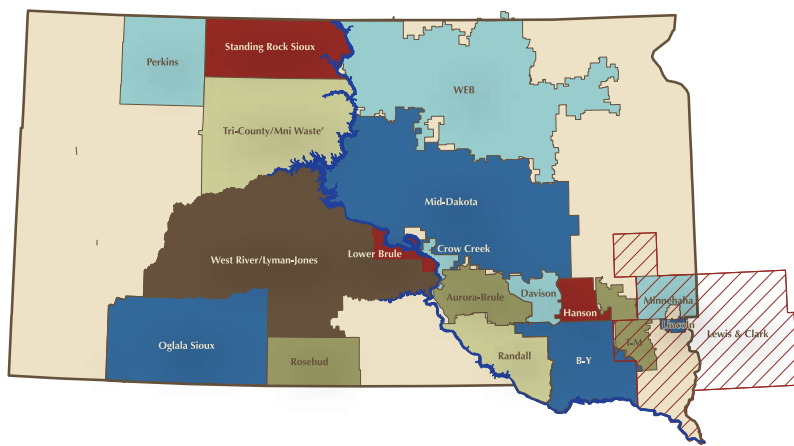
Located north of the Mni Wiconi systems is the Tri-County/Mni Waste' system. Tri County began operations in 1979 to serve Eagle Butte and the surrounding area. Community leaders from Eagle Butte, Dupree, and Faith along with local ranchers were the driving force behind the system, the Cheyenne River Sioux Tribe also contributed financially. The system reached maximum capacity in under 20 years, and over the last 15 years they have had to impose a moratorium on new connections. "I don't think everyone realized how dependent the area would become on the Rural Water system," said Manager Leo "Erp" Fischer.

Perkins County Rural Water, northwest of Tri-County/Mni Waste', has expanded to meet the needs of their consumers, in 2009 and 2010 they installed nearly 300 miles of pipe and added nearly 300 connections. Perkins County delivers Missouri River water that it purchases through the Southwest Pipeline Project in North Dakota.

WEB Water Development Association, located in north central South Dakota, serves 17 counties in both North and South Dakota. The first organizational meeting was held in 1975 by community leaders from Walworth, Edmunds, and Brown Counties. They had been looking for ways to improve their drinking water to meet new federal water standards. WEB was the first regional Rural Water system to receive funding through the Department of Interior in 1980 as part of a legislative settlement on the Oahe Irrigation Project. It was reauthorized and signed into law by President Ronald Reagan on September 22, 1983. The WEB authorization set a precedent that was used to authorize and fund other regional water systems in South Dakota. The first customer to receive water service on May 26, 1986, the Keith Vojta family, had been hauling water for 14 years. WEB currently serves 7,980 rural hookups, 109 towns and bulk users, and five ethanol plants. The system includes more than 6,800 miles of pipeline and 27 storage tanks. They currently have a moratorium in place on new bulk services systemwide, including industrial, commercial and town hookups. "It would cost \$150 million to \$200 million to build new infrastructure that would support additional bulk hookups," said WEB General Manager Angie Hammrich.

Construction of the Mid-Dakota System would fill in the last major area in eastern South Dakota, still without the availability of Rural Water. With the completion of Mid-Dakota virtually all of the communities that would have received water service under the old "Oahe Project" now have service available to them.

Susan Hargens of Mid-Dakota recalls, "I remember someone in Washington, D.C. telling me we were wasting our time because



the funding climate was not good for doing another large water project. I answered back that we needed to try because there were a lot of people that needed the water and we certainly wouldn't get the project if we just gave up."

The authorization of Mid-Dakota was a product of cooperation by a number of groups that would not normally work together. The project had the full cooperation of Bureau of Reclamation, Congressional Delegation, the Governor's Office, the S.D. Department of Water and Natural Resources (Water has been changed to Environment), the entity now known as Central Plains Water Development District, National Wildlife Federation, Audubon Society, the Game, Fish and Parks Department, Rural Electric Cooperative organizations and many others. Everyone was able to come to the table with their ideas, and the project received the support it needed to get authorized.

Aurora-Brule Rural Water started construction in 1977 after a group of farmers and ranchers came together because they could not get quality water in their area. Most of the wells in Aurora and Brule Counties are in an artesian aquifer, and the water is of very poor quality. The system took approximately 10 years to build. Today, 98 percent of the farms in the system's service area are connected to Rural Water.

Randall Community Water District and B-Y Water District are water user districts located in south central South Dakota that treat river water. These two systems have the capacity to not only serve their consumers, but to sell bulk water to systems around them. B-Y supplies Hanson Rural Water customers with the majority of their drinking water and Randall provides all of the water for Davison Rural Water and southern portions of Aurora-Brule Rural Water System.

The Missouri River system that will provide water to the most people in southeastern South Dakota is Lewis & Clark Regional Water System (L&C). L&C is essentially a water cooperative, each of the 20 member cities and water systems joined together to address their water problems more efficiently and effectively than they could do on their own.

Lewis & Clark was incorporated in 1990 and was originally known as the Southeastern South Dakota Water Supply System. It became clear early that there was not enough congressional support for such a massive undertaking. To expand the projects congressional support, project organizers recruited members from Iowa and Minnesota, which tripled the project's political muscle. That decision was the turning point in getting L&C off the ground. However, it still took ten years to get the project authorized by congress in 2000.

More than 500,000 acres of prime river bottomland were lost when the dams were built on the Missouri River as part of the Pick-Sloan Act. In return, South Dakotans receive quality drinking water as one of the benefits.

MISSOURI RIVER SYSTEM STATS:

Aurora-Brule Rural Water System

1,350 hookups • 1,000 miles of pipe

B-Y Water District

4,618 hookups • 4,000 miles of pipe

Davison Rural Water System

1,220 hookups • 610 miles of pipe

Hanson Rural Water System

1,124 hookups • 575 miles of pipe

Lewis & Clark Regional Water

176 miles of pipe

Lincoln County Rural Water System

2,315 hookups • 271 miles of pipe

Lower Brule Rural Water Supply System

1,000 hookups • 327 miles of pipe

Mid-Dakota Rural Water System

5,950 hookups • 5,000 miles of pipe

Minnehaha Community Water Corporation

5,000 hookups • 1,250 miles of pipe

Oglala Sioux Rural Water Supply System

2,583 hookups • 409 miles of pipe

Perkins County Rural Water System

874 hookups • 800 miles of pipe

Randall Community Water District

2,760 hookups • 1,793 miles of pipe

Rosebud Rural Water System

3,500 hookups • 450 miles of pipe

TM Rural Water District

1,500 hookups • 900 miles of pipe

Tri-County / Mni Wasté Water Company

1,145 hookups • 1,420 miles of pipe

WEB Water Development Association

7,980 hookups • 6,800 miles of pipe

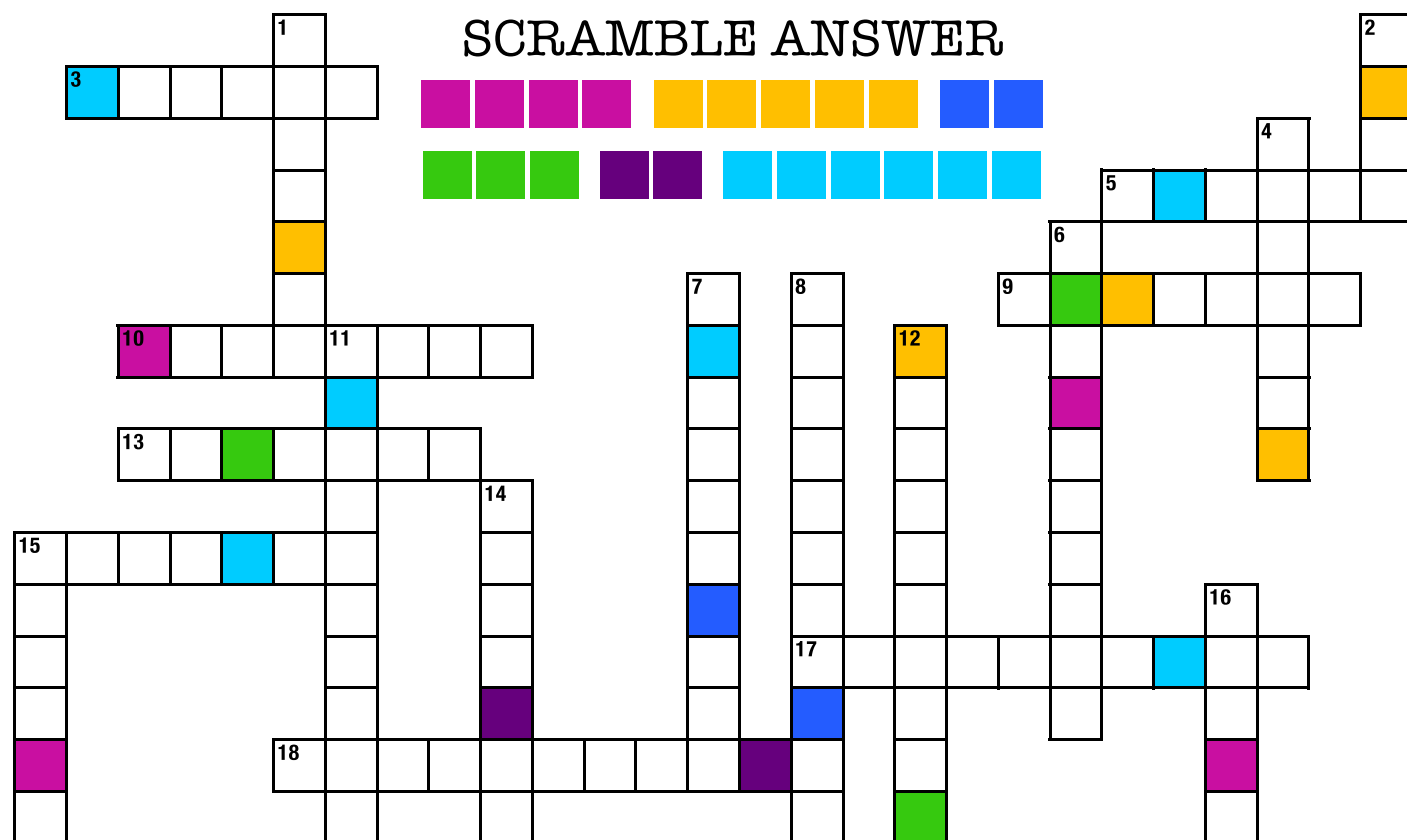
West River/Lyman-Jones Rural Water System

3,295 hookups • 3,450 miles of pipe

RURAL WATER & Crossword Word Scramble Contest

Fairs & Carnivals

\$100 Grand Prize



SCRAMBLE ANSWER



ACROSS

3. Carnival area of a fair
5. Procession of floats
9. Carnival worker
10. Indoor animal exhibit (2 words)
13. It may fill a hall
15. Deep-fried frank

17. Hands-on experience (2 words)
18. A giant fairground revolution (2 words)

DOWN

1. View antiques on wheels (2 words)
2. Amusement park attraction
4. Miss State Fair, for one
6. Temporary fairground lodging

7. Sticky fruit on a stick (2 words)
8. Event with serious horsepower (2 words)
11. Alfresco alehouse (2 words)
12. Seating arena
14. Fair feature
15. Handmade wares
16. Where the big "bucks" are

RULES

Use the colored squares in the puzzle to solve the word scramble above. Call your Rural Water System (See page 2 for contact information) or enter online at www.sdarws.com/crossword.html with the correct phrase by July 14th, 2017 to be entered into the \$100 drawing.

Online Entries - go to: www.sdarws.com/crossword.html

Only one entry allowed per address/household. You must be a member of a participating rural water system to be eligible for the prize. Your information will only be used to notify the winner, and will not be shared or sold.

Congratulations to Martin Kenner who had the correct phrase of "Victory requires payment in advance" for April 2017.



THE 2017 RIPARIAN BUFFER BILL

As of July 1, 2017, the provisions of Senate Bill 66, An Act to specifically classify certain agricultural land as riparian buffer strips, to establish the criteria for the riparian buffer strip classification, and to provide for the taxation thereof, are law in South Dakota. Known informally as the buffer bill, it enjoyed wide-spread, bipartisan support during its consideration, with a range of groups and interests speaking in favor of the bill during legislative committee hearings. No opponent testimony was given. The bill cleared the Senate on February 8th and the House on February 27th with minimal opposition, with votes of 34-0 and 62-5, respectively. Governor Daugaard signed the final version on March 9th.

Section 1 of the bill created a separate land classification for riparian buffer strips and provides for a reduced property tax assessment for this type of property. Land eligible for consideration under this new classification is defined as any agricultural land within 120 feet of either (1) a lake assigned immersion recreation or limited contact recreation, as defined in the Administrative Rules of South Dakota (ARSD) 74:51:02; or (2) a river or stream assigned any of the warmwater or coldwater fish life propagation beneficial uses in ARSD 74:51:03. This amounts to 575 lakes and approximately 11,000 miles of streams. Any land that is ultimately re-classified as riparian buffer strip is assessed at sixty percent (60%) of its agricultural income value.

Section 2 established criteria and application process for the riparian buffer strip classification. Eligible land meeting the criteria may be designated as riparian buffer strips and taxed accordingly if:

The land parcel must consist of up to one hundred twenty feet (120') of either natural or planted perennial vegetation, with a minimum width of fifty feet (50');

The perennial vegetation can be harvested or mowed after July 10, but a minimum of four inches (4") of cover must be maintained at all times;

Grazing is prohibited between May 1st and September 30th, inclusive. This covers the recreational season as defined in the State's Surface Water Quality Standards (ARSD 74:51:01); and

The landowner annually files an application with the county director of equalization, no later than October 15, certifying that the criteria are being met.

Section 3 provided a penalty for any person who intentionally misrepresents facts to receive a reduced assessment for a riparian buffer strip. The penalty is assessed at a rate of two dollars per thousand dollars of taxable valuation on the land, and becomes a lien on the property until it is satisfied.

Riparian buffers have been shown to be a very good tool for protecting and/or improving water quality in South Dakota's rivers, lakes and streams, and there are a range of options available for landowners to consider. The modest tax relief provided under the buffer bill may not be sufficient on its own to instigate a change in land use, but it is an acknowledgment that the decision to create and/or maintain riparian buffers is an important one. Only time will tell how successful this effort will be.



CONGRESSIONAL BUDGET TO FUND ALL RURAL WATER PRIORITIES

Dennis N. Davis, Executive Director
South Dakota Association of Rural Water Systems

On Friday, May 5th, the President signed the \$1.07 billion omnibus spending bill approved by the House and Senate earlier this week. The bill, which will fund the government through September, includes full funding for all rural water technical assistance initiatives including Circuit Riders, Wastewater Technicians, Sourcewater Specialists, and EPA technical assistance. The bill also includes funding for both the USDA and EPA water infrastructure funding initiatives – over \$570 million for USDA's "Rural Utilities Service" rural development water grant and loan initiative. NRWA has been conducting a year-long grassroots campaign in Congress to have this funding increased – and continues the current campaign to persuade Congress to reject the proposed elimination of the initiative in the coming fiscal year.

"We are thankful for the strong support of Congress for this vital public health, environmental and economic development initiative that was demonstrated in the final Congressional budget agreement. Rural and small communities must continue to support their rural water associations that allow us to be heard in Congress on critical issues like funding for USDA rural water infrastructure," said NRWA President Steve Fletcher, General Manager of the Washington County Water Company in Nashville, Illinois.

■ **USDA Water & Waste Disposal Program: \$571,190,000**
(\$522,365,000 last year)

■ **EPA Clean Water State Revolving Fund: \$1,393,887,000**
(level funding from last year)

■ **EPA Drinking Water State Revolving Fund: \$863,233,000**
(level funding from last year)

THE POWER OF AN ASSOCIATION

Everything NRWA accomplishes, from securing many millions of dollars in technical assistance funding, reducing the regulatory burden from the federal rules, or successfully petitioning Congress for billions of dollars in water infrastructure grants each year, only happens because of your grassroots involvement. Our grassroots network is our greatest strength. And only by all of us acting together can we manifest that strength. By organizing together with a common agenda, we can accomplish what none of us could achieve on our own.

FY17 FUNDING AGREEMENT SUPPORTS AGRICULTURE, RURAL COMMUNITIES

The following is an excerpt from Chairman of the Agriculture, Rural Development and Food and Drug Administration Appropriations Committee, Senator Hoeven of North Dakota's press release following the passage of the Omnibus spending bill:

Senator John Hoeven, chairman of the Senate Agriculture, Rural Development and Food and Drug Administration Appropriations Committee, announced on May 2, 2017 that the Fiscal Year 2017 funding agreement provides strong support for North Dakota's and the nation's farmers, ranchers and rural communities.

"As chairman of the Senate Agriculture Appropriations Committee, I worked to ensure that our farmers and ranchers have the support they need given the challenges facing farm country due to low commodity prices," said Hoeven. "This funding legislation supports our producers, provides strong funding for agriculture research and invests in our rural communities."

NRWA MEETS WITH EPA ADMINISTRATOR PRUITT

On Friday May 5th, National Rural Water Association officers and staff met with EPA Administrator Scott Pruitt in Tulsa, Oklahoma. The purpose of the meeting was to introduce the association to the Administrator and offer the association's expertise and experience as a resource in regulatory affairs as they relate to rural and small community water and wastewater systems.

The discussion centered around regulatory fixes as identified by NRWA membership to include consecutive system issues and Total Maximum Daily Load regulations. The Administrator stressed that the agency was in the review process of regulatory issues and encouraged the association to formally submit comments. The NRWA representatives encouraged the agency to view rural and small systems as protectors of public health and the environment as opposed to a regulatory burden.

"The meeting was very informative and the open discussion was very meaningful," said NRWA President Steve Fletcher, who manages Washington County Water company. "Hopefully this meeting is the start of a collaborative process that results in more affordability consideration in the regulatory review and processes."

REGISTER TODAY!

SDARWS 31ST ANNUAL RURAL WATER OPEN



JULY 18, 2017
Elmwood Golf Course
SIoux FALLS, SD

Registration includes: 18 holes of golf, riding cart, luncheon & prizes!

REGISTER ONLINE AT SDARWS.COM

or: tinyurl.com/SDARWSGOLF

9:00 Shotgun Start (Must register at course by 8:30 am)

TEE BOX SPONSORSHIPS TO BENEFIT RURAL WATER CENTER

Tee Box Sponsorships come in 3 levels - Gold (\$500), Silver (\$250), and Bronze (\$100).

All proceeds from Tee Box Sponsorships benefit the Rural Water Center and are TAX DEDUCTIBLE! Sponsorship includes signage at Tee Box, and recognition on electronic signage at registration and during luncheon/awards. This sponsorship can be reserved at the online golf registration page, or by emailing golf@sdarws.com



SOUTH DAKOTA RURAL WATER
P.O. Box 287
Madison, SD 57042
www.sdarws.com | 605-556-7219

PRESORTED
STANDARD
US POSTAGE
PAID
PERMIT #32
MADISON, SD

WATER MATTERS

Meandered vs. Non-Meandered Water Bodies

During the late 1800s, the territory that is now the State of South Dakota was surveyed to provide an inventory of public domain lands, and to provide a way of subdividing and describing the lands for the benefit of the citizens of the United States. Using what is known as the Public Land Survey System, the land was typically divided into six-mile-square townships. Townships are subdivided into 36 one-mile-square sections, and sections can be divided further into quarter sections, quarter-quarter sections, etc..

When the surveyors encountered a large body of water (greater than 40 acres), they drew lines defining the extent. Such features are considered meandered water bodies. Water bodies that didn't meet the 40-acre requirement were noted on the survey, but no formal boundaries were delineated. These are considered non-meandered water bodies.

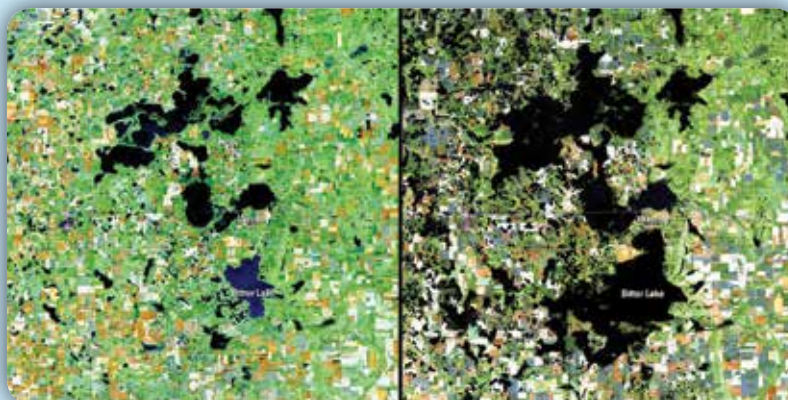
A meandered water body was considered to be a permanent feature, and ownership of the land within the meander line (under the water) was retained by the government. However, private landowners could obtain title to land outside these lines. Where non-meandered bodies of water existed, the presumption was that such features were temporary, and the land would otherwise be suitable for use and/or development.

In the past few decades, water levels in many lakes in parts of South Dakota have risen, expanding onto and over privately-held land. In other cases, water has accumulated in low lying areas originally noted as having non-meandered waters. Some of these water bodies have grown to substantial size, and have been the focus of considerable controversy.

The owners of the flooded land have lost the use of their property, and have occasionally sought to limit access and/or use of the water. At the same time, the lakes provide numerous opportunities for recreation, and the general public has shown a great interest in making use of this resource. Several recent lawsuits have upheld the notion that the water is a public resource,

but have also stipulated that the manner in which the public can use such a resource is subject to definition and oversight by the Legislature. Efforts are underway during the 2017 Legislative Interim to address this issue. The status of these efforts can be found at:

<http://www.sdlegislature.gov/Interim/MinutesAgendas.aspx?Session=2017>



Back page content provided by:
East Dakota Water Development District
132B Airport Drive • Brookings, SD, 57006
(605) 688-6741 • <http://eastdakota.org>