

CHAPTER 46A-3A

WATER DEVELOPMENT DISTRICTS--ESTABLISHMENT

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46A-3A-1. Establishment of districts--Procedure--Political subdivision status. In order to attain the objectives and intent of chapters 46A-3A to 46A-3E, inclusive, and chapter 46A-2, the Legislature may establish water development districts. A water development district may be established by an act of the Legislature, signed by the Governor, describing the exact boundaries of the area to be included within the proposed water development district and assigning it an appropriate name. A water development district may also be established pursuant to the procedure set forth in §§ 46A-3A-8 to 46A-3A-15, inclusive. A water development district is a political subdivision of the state. A water development district shall exist as a legal entity beginning on January first immediately following the effective date of an act establishing it as a water development district.

Source: SL 1984 (SS), ch 1, § 6; SL 2012, ch 217, § 1.

46A-3A-1.1. Districts to promote conservation, development and management of resources--Serve as clearinghouse for water quality and supply projects. Water development districts shall promote the conservation, development, and proper management of district water resources according to district priorities and shall serve as a district-wide clearinghouse authority for water quality and supply projects through technical, organizational and financial assistance to prospective and existing project sponsors and through recommending projects for inclusion in the state water plan, and through other appropriate actions accomplish the purposes of chapters 34A-2, 34A-3A, 34A-6, 34A-9, chapters 46A-3A to 46A-3E, inclusive, and chapters 46A-1 and 46A-2.

Source: SL 1986, ch 372, § 1; SL 1989, ch 306, § 62; SL 1989, ch 386, § 1.

46A-3A-2. Central Plains district. The Central Plains Water Development District is hereby established. The Central Plains Water Development District includes all of Faulk, Hughes, Hyde, Potter, and Sully counties and all municipalities that lie wholly or partially within the included area or that are contiguous to the included area.

Source: SL 1984 (SS), ch 1, § 7; SL 1986, ch 373; SL 1998, ch 269, § 1; SL 2003, ch 233, § 1; SL 2008, ch 232, § 1, eff. Jan. 1, 2009.

46A-3A-3. East Dakota district. The East Dakota Water Development District is hereby established. The East Dakota Water Development District includes all of Minnehaha, Moody, Lake, Kingsbury, Brookings, Hamlin, Deuel, Codington and Grant counties; Grafton, Belleview, Adams, Henden, Howard, Clearwater, Canova and Vermillion townships in Miner County; and all municipalities that are wholly or partially within the included area or that are contiguous to the included area.

Source: SL 1984 (SS), ch 1, § 8; SL 2008, ch 232, § 2, eff. Jan. 1, 2009; SL 2012, ch 217, § 2.

46A-3A-4. James River district. The James River Water Development District is hereby established. The James River Water Development District includes all of Brown, Spink, Beadle, Sanborn, Davison, Hanson, Hutchinson, and Yankton counties; Buffalo, Dayton, Dumas, Eden, Fort, Hamilton, Hickman, Lake, Lowell, Miller, Newark, Newport, Pleasant Valley, Red Iron Lake, Sisseton, Stena, Waverly, Weston, and Wismer townships in Marshall County; Pleasant Valley, Bristol, Belford, Cooper, Firesteel, Palatine, Plankinton, Hopper, Pleasant Lake, Dudley, and Aurora townships in Aurora County; and all municipalities that are wholly or partially within the included area or that are contiguous to the included area.

Source: SL 1984 (SS), ch 1, § 9; SL 1995, ch 252; SL 2008, ch 232, § 3, eff. Jan. 1, 2009; SL 2009, ch 227, § 1; SL 2012, ch 217, § 3; SL 2015, ch 225, § 1.

46A-3A-5. South Central district. The South Central Water Development District is hereby established. The South Central Water Development District includes all of Charles Mix, Brule, Buffalo, Bon Homme, Douglas, and Gregory counties; Patten, Lake, White Lake, Eureka, Gales, Crystal Lake, Washington, Center, and Truro townships in Aurora County; and the portion of Lyman County south of the White River.

Source: SL 1984 (SS), ch 1, § 10; SL 1998, ch 269, § 2; SL 2008, ch 232, § 4, eff. Jan. 1, 2009.

46A-3A-6. West Dakota district. The West Dakota Water Development District is hereby established. The West Dakota Water Development District includes that portion of Pennington County west of the Cheyenne River.

Source: SL 1984 (SS), ch 1, § 11A.

46A-3A-7. West River district. The West River Water Development District is hereby established. The West River Water Development District includes all of Jones, Mellette, and Haakon counties, the portion of Jackson County north of the White River except Interior township and the unorganized Cedar township, the portion of Pennington County east of the Cheyenne River, except for Castle Butte, Conata, Crooked Creek, Flat Butte, Imlay, and Scenic townships, the unorganized territory of the Badlands and that portion of the unorganized territory of east central Pennington east of the Cheyenne River, and the portion of Lyman County north of the White River.

Source: SL 1984 (SS), ch 1, § 12; SL 1985, ch 357; SL 1990, ch 362, § 2.

46A-3A-7.1. Vermillion basin district. The Vermillion Basin Water Development District is hereby established. The Vermillion Basin Water Development District includes all of Turner and Clay counties.

Source: SL 1990, ch 362, § 1.

46A-3A-8. Petition for election on establishment of district. Fifteen percent of the residents and voters in a geographical area may petition the Board of Water and Natural Resources to submit to an election the question

of whether the geographical area shall become a water development district.

Source: SL 1984 (SS), ch 1, § 13A; SL 2011, ch 165, § 324; SL 2016, ch 217, § 1.

46A-3A-9. Contents and form of petition. A petition arising under the provisions of § 46A-3A-8 shall describe the exact boundaries of the area to be included within the proposed water development district, and each person signing the petition shall add to the person's signature, in the person's own handwriting, the person's place of residence, and the date of signing. The petition may contain more than one page, and each page shall have identical headings. Any number of identical petition forms may be circulated and each be a part of the petition, but each of the identical petition forms must be verified by the circulator as follows:

"I, the undersigned, being first duly sworn, hereby depose that I circulated the above and foregoing petition, containing _____ signatures; that I personally witnessed each of the persons named upon the petition place their signatures on the petition and add in their own handwriting the information set forth after their respective signatures.

P.O. Address _____

Subscribed and sworn to before me this ____ day of _____, 20 ____

Notary Public".

Source: SL 1984 (SS), ch 1, § 13B; SL 2011, ch 165, § 325.

46A-3A-10. Approval of petition--Referral to election. If a petition proposing organization of a water development district is presented to the Board of Water and Natural Resources, the board, after first determining that the petition is in compliance with the required provisions by resolution shall approve the petition for establishment of the proposed water development district and shall provide a name for the water development district. The board at the next general election shall refer to the voters of the proposed water development district the question of whether the water development district shall be established.

Source: SL 1984 (SS), ch 1, § 13C.

46A-3A-11. Ballots on establishment. The question of forming a water development district shall be presented upon a separate ballot, which shall be prepared by the Board of Water and Natural Resources, and, insofar as applicable, shall be in the form prescribed by the general election laws.

Source: SL 1984 (SS), ch 1, § 13D.

46A-3A-12. Conduct of election. An election to form a water development district shall be conducted, canvassed, recounted, and contested as elections under the general laws of this state, except as otherwise herein provided, and except where the general laws are inapplicable. If the details concerning the conduct, canvassing, recounting, or contest of the election are not set forth within chapters 46A-3A to 46A-3E, inclusive, and the general election laws are not applicable, then the Board of Water and Natural Resources shall promulgate rules pursuant to chapter 1-26 reasonably necessary to carry out the intentions of chapters 46A-3A to 46A-3E, inclusive, with respect to elections and make possible the submission to an election of any matter which by the terms of chapters 46A-3A to 46A-3E, inclusive, may be submitted to a vote of the voters of any water development district or proposed water development district.

Source: SL 1984 (SS), ch 1, § 13E; SL 1993, ch 256, § 67.

46A-3A-13. Separate districts for election--Vote required. Any municipality included within the area comprising a proposed water development district shall constitute a separate election district. That area of any

county wholly or partially included in a proposed water development district, and which is outside the corporate limits of a municipality, shall also constitute a separate election district. No election district may become a part of any water development district unless sixty percent or more of the votes cast by the voters of such election district shall be in favor of the proposed water development district.

Source: SL 1984 (SS), ch 1, § 13F.

46A-3A-14. Approval by only some of election districts--Effect--Withdrawal from district. If in some, but not all of the election districts within a proposed water development district, sixty percent or more of the votes cast are in favor of the formation of the water development district, the Board of Water and Natural Resources shall by resolution establish a water development district consisting of only those election districts wherein the requisite vote approving the formation of a water development district was cast. In the event of the creation of a water development district, any of the election districts may withdraw from the water development district by filing with the board within sixty days thereafter, a petition requesting withdrawal, signed by fifteen percent of the residents and voters in the election district. The petition shall contain the same information with respect to the signers and be verified in the same manner as in the case of a petition to establish a water development district. The question of whether an election district shall withdraw shall be referred to the voters of the election district at the next general election, the procedure is the same as required to establish a water development district.

Source: SL 1984 (SS), ch 1, § 13G; SL 2016, ch 217, § 2.

46A-3A-15. Resolution creating district--Filing. If all of the election districts within a proposed water development district become a part of the water development district as provided in this chapter on approval of the proposed district by sixty percent or more of the votes cast in the election districts, or if the Board of Water and Natural Resources establishes a water development district pursuant to the provisions of § 46A-3A-14 for which not all of the election districts become a part of the water development district, the board shall by resolution create and establish the water development district, give it a name and, upon filing a true copy of the resolution with the secretary of state, the water development district shall become a political subdivision of the state with the authority, powers, and duties prescribed by this chapter.

Source: SL 1984 (SS), ch 1, § 13H; SL 2011, ch 165, § 326.

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.

Source: SL 1984 (SS), ch 1, § 13; SL 2010, ch 216, § 2.

46A-3A-17. Costs of elections. The costs associated with an election for withdrawal or addition shall be assigned to the involved county.

Source: SL 1984 (SS), ch 1, § 14.

46A-3A-18. Repealed by SL 2008, ch 233, §§ 1, 5.
