



## South Dakota Department of Agriculture

### Establishing and Combining Watershed Districts

Presenter: A. Blair Dunn – General Counsel  
& Director of Agricultural Policy

### Things a Watershed District Can Do:

- (1) Control or allocation of damage by floods by flood prevention structures including levees;
- (2) Improvement of stream channels;
- (3) Reclaiming or filling wet and overflowed lands;
- (4) Providing water supply for irrigation;
- (5) Regulating the flow and conserving the water of streams;
- (6) Diverting or changing watercourses in whole or in part;
- (7) Providing and conserving water supply for domestic, industrial, recreational, and other public use;
- (8) Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the disposition of waste;
- (9) Relocate, extend, replace, modify, consolidate, or abandon in whole or in part, drainage systems within a watershed district and to operate and maintain drainage systems;
- (10) Imposition of preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected by erosion.

▶ SDDA – Watershed Districts Source: SDCL 46A-14-4

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### Powers of a Watershed District

- (1) To sue and be sued;
- (2) To incur debts, liabilities, and obligations;
- (3) To exercise the power of eminent domain only when it is necessary to carry out an approved plan;
- (4) To levy a tax not to exceed one dollar per thousand dollars of taxable valuation against the landowners' land and buildings notwithstanding § 46A-14-55;
- (5) To provide for other taxes and assessments;
- (6) To borrow money, and to issue certificates, warrants, and bonds; and
- (7) To do and perform all acts herein expressly authorized and all other acts necessary and proper for carrying out and exercising the powers expressly vested in the district.

▶ SDDA – Watershed Districts Source: SDCL 46A-14-34

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### Taxing Authority

#### Watershed District

- ▶ General tax up to 1 mill; other taxes and special assessments by election

#### Water Development District

- ▶ General tax up to .3 mill; may make special assessments on behalf of local sponsors if requested

#### Water User District

- ▶ No taxing or assessment power; collect charges for water and wastewater service

#### Water Project District

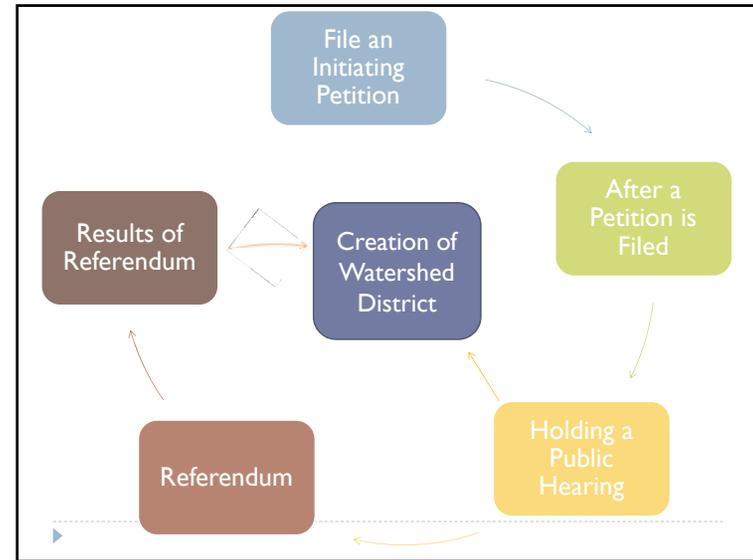
- ▶ General tax up to 1 mill, special assessments

▶ SDDA – Watershed Districts Source: SDCL 46A-14, SDCL 46A-3A, & SDCL 46A-18, SDCL 46A-9

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## Establishing watershed districts



### Filing an Initiating Petition

- ▶ **Petition needs to contain:**
  - ▶ Name of the proposed district;
  - ▶ That there is need for creation of the district;
  - ▶ General terms of purpose, the territory of the district, and proposed subdivisions;
  - ▶ Number of manager and names;
  - ▶ List of landowners and total acreage of land owned by each within the proposed district;
  - ▶ Map of the proposed district;
  - ▶ Location of the official place of business of the proposed district.
- ▶ Initiating petition should be filed with each conservation district in which the proposed watershed district is located.
- ▶ Petition should be signed by at least 25% of the registered voters within the proposed district. If the district is in 2 or more counties, a petition shall be filed in each county with at least 25% of registered voters in each county.
- ▶ Accompany petition with a deposit covering the costs of public notices and the conduct of election

▶ SDDA – Watershed Districts Source: SDCL 46A-14-8 7 

### Once Petition is Filed

- ▶ **County Auditor will ensure sufficient signatures were received**
- ▶ **Board of Conservation District supervisors will:**
  - ▶ acknowledge receipt of petition
  - ▶ prepare preliminary report stating the feasibility and practicality of the proposed district
  - ▶ adjust, as necessary, and fix the boundaries of the proposed district.

▶ SDDA – Watershed Districts Source: SDCL 46A-14-11 8 

## Holding a Public Hearing

- ▶ Within 10 days, Board of Conservation District Supervisors will set up an hearing (hearing may be scheduled past 10 days)
- ▶ Board of Conservation District Supervisors will publish notice of the hearing in the local newspaper once a week for at least 2 weeks; the last notice within 10 days before hearing
- ▶ Notice needs to contain: that an initiating petition was filed; general description of the purpose and area of the proposed district; date, time and place of hearing; all persons affected may appear and be heard
- ▶ All persons interested in or affected by the proposed district shall be given the opportunity to be heard. Hearing may be continued, as necessary.
- ▶ If the Board of Conservation District Supervisors feel it is in the public interest to form the proposed district, they shall order a vote

▶ SDDA – Watershed Districts Source: SDCL 46A-14-13 & 14

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## Referendum

- ▶ If less than 60% of the landowners signed the initiating petition, a vote on if a district should be organized shall be ordered.
  - ▶ If 60% or more of the landowners signed the petition, the referendum is unnecessary
- ▶ The Board of Conservation District Supervisors will publish the notice of the voter registration deadline at least once a week for 2 consecutive weeks; last publication not less than 24 hours and no more than 20 days prior to election.
- ▶ The Board of Conservation District Supervisors will publish notice of election at least once each week for 2 consecutive weeks; last publication not less than 4 and no more than 10 days before the election.
- ▶ Vote shall be taken with 60 days of validation of petition.

▶ SDDA – Watershed Districts Source: SDCL 46A-14-15, 46A-14-16, 46A-14-17, & 6-16-4

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## Results of Referendum

- ▶ 60% or more favorable vote needs to be obtained for the proposed district to be organized
  - ▶ If defeated, the proposition may be proposed again in the same manner as the original proposal

▶ SDDA – Watershed Districts Source: SDCL 46A-14-26 & 46A-14-27

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## Creation of Watershed District

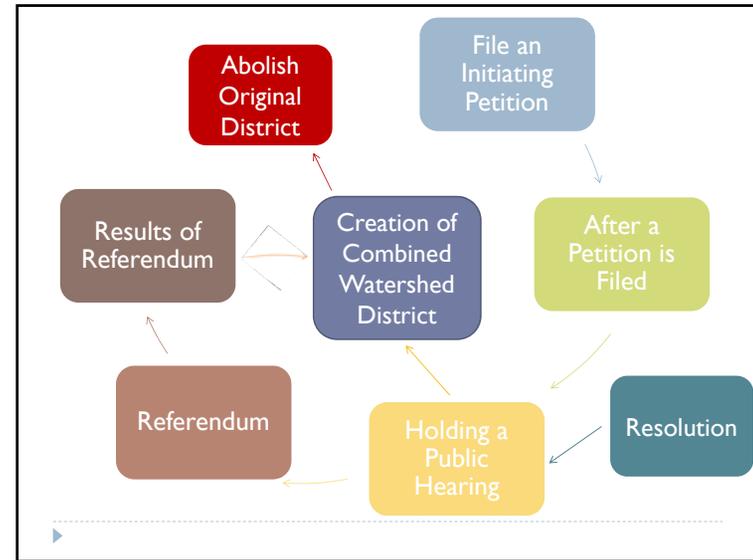
- ▶ The Board of Conservation District Supervisors will:
  - ▶ Give the watershed district a corporate name
  - ▶ File a certified copy of certification of favorable petition or vote and order with the Secretary of State
  - ▶ Send a copy of findings and order should be registered or certified mailed to the managers listed upon the petition

▶ SDDA – Watershed Districts Source: SDCL 46A-14-28

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## Combining watershed districts



### Filing an Initiating Petition to Combine Watershed Districts

- ▶ **Petition needs to contain:**
  - ▶ Name of the proposed district;
  - ▶ That there is need for creation of the district;
  - ▶ General terms of purpose, the territory of the district, and proposed subdivisions;
  - ▶ Number of manager and names;
  - ▶ List of landowners and total acreage of land owned by each within the proposed district;
  - ▶ Map of the proposed district;
  - ▶ Location of the official place of business of the proposed district.
- ▶ Initiating petition should be filed with each conservation district in which the proposed combined watershed district is located.
- ▶ Petition should be signed by at least 25% of the registered voters within the proposed district. If the district is in 2 or more counties, a petition shall be filed in each county with at least 25% of registered voters in each county.
- ▶ Accompany petition with a deposit covering the costs of public notices and the conduct of election, if applicable.

▶ SDDA – Watershed Districts Source: SDCL 46A-14-32 & 46A-14-8

### Once Petition is Filed

- ▶ **County Auditor will ensure sufficient signatures were received**
- ▶ **Board of Conservation District supervisors will:**
  - ▶ acknowledge receipt of petition
  - ▶ prepare preliminary report stating the feasibility and practicality of the proposed district
  - ▶ adjust, as necessary, and fix the boundaries of the proposed district.

▶ SDDA – Watershed Districts Source: SDCL 46A-14-11

## Resolution

- ▶ Watershed district managers may file a resolution stating the desire to combine the watershed districts.
- ▶ Resolution must contain:
  - ▶ Name of the proposed district;
  - ▶ That there is need for creation of the district;
  - ▶ General terms of purpose, the territory of the district, and proposed subdivisions;
  - ▶ Number of manager and names;
  - ▶ List of landowners and total acreage of land owned by each within the proposed district;
  - ▶ Map of the proposed district;
  - ▶ Location of the official place of business of the proposed district.



## Holding a Public Hearing

- ▶ Within 10 days, Board of Conservation District Supervisors will set up an hearing (hearing may be scheduled past 10 days)
- ▶ Board of Conservation District Supervisors will publish notice of the hearing in the local newspaper once a week for at least 2 weeks; the last notice within 10 days before hearing
- ▶ Notice needs to contain: that an initiating petition or resolution was filed; general description of the purpose and area of the proposed district; date, time and place of hearing; all persons affected may appear and be heard
- ▶ All persons interested in or affected by the proposed district shall be given the opportunity to be heard. Hearing may be continued, as necessary.
- ▶ If the Board of Conservation District Supervisors feel it is in the public interest to form the proposed district, they shall order a vote



## Referendum

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## Results of Referendum

- ▶ 60% or more favorable vote needs to be obtained for the proposed district to be organized
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### Creation of Combined Watershed District

- ▶ **The Board of Conservation District Supervisors will:**
  - ▶ Give the watershed district a corporate name
  - ▶ File a certified copy of certification of favorable petition or vote and order with the Secretary of State
  - ▶ Send a copy of findings and order should be registered or certified mailed to the managers listed upon the petition

▶ SDDA – Watershed Districts Source: SDCL 46A-14-28

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### Abolishing Previous Watershed Districts

- ▶ Upon completion of combining watershed districts, the conservation district supervisors shall issue a certification of abolishment.
- ▶ This certification of abolishment should be filed with the Secretary of State at the same time the certification for the new watershed districts is filed.

▶ SDDA – Watershed Districts Source: SDCL 46A-14-33

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### Additional Questions or Inquiries Please Contact:

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