



**402 SAINT JOSEPH ST, STE 6  
RAPID CITY, SD 57701  
605-394-2685  
WWW.WESTDAKOTAWATER.COM**

**WEST DAKOTA WATER DEVELOPMENT  
DISTRICT MEETING PACKET FOR TUESDAY,  
MAY 12, 2026 3PM REGULAR MEETING  
RAPID VALLEY SANITARY DISTRICT  
(LARRY D. STETLER, ADMIN)**



402 SAINT JOSEPH ST, STE 6  
RAPID CITY, SD 57701

**Regular Meeting Draft Agenda**

MEETING LOCATION:

RAPID VALLEY SANITARY DISTRICT  
4611 TEAK DR, RAPID CITY, SD  
Tuesday, May 12, 2026 Regular Meeting

1. Pledge of Allegiance. (Chair)
2. Roll Call of Members (Admin)
3. Approval of Agenda (The board cannot take official action on any item not on the agenda) (Chair)
4. Conflict of interest disclosure. (Chair)
5. Approval of minutes from March 10, 2026 meeting. (Chair)
6. Treasurer's report (Stetler)
7. Funding request: Resilient Headwaters and Holistic Riverscape Restoration Planning. \$75,000. Black Hills Watershed Collaborative. Lori Brown
8. Authorize purchase of name tags for Directors and Administration. Mulally
9. Rescind Green Valley Sanitation District funding in 2020. \$125,000. McGregor
10. Information: Update from WDRWS. Conzet
11. Information: Deerfield/Pactola reservoir modeling stakeholder meeting, Apr. 17, 2026.
12. Chair Funding change order: \$27,000 for Barr Engineering. Chair
13. Information: Earth Day report. McGregor
14. Information: Erosion Control Committee projects report. Driscoll and committee
15. Discussion: Potential future project/funding opportunities for West Dakota. Driscoll
16. Discussion: review of request for Attorney General opinion. McGregor
17. Discussion: 2026 Director elections, petitions, and open positions. McGregor
18. Chair's comments.
19. Items from directors.
20. Items from admin.
21. Items from public.
22. Adjournment

**AGENDA ITEM 1. Pledge of Allegiance. (Chair)**

**AGENDA ITEM 2. Roll Call of Members (Admin)**

**AGENDA ITEM 3. Approval of Agenda (The board cannot take official action on any item not on the agenda) (Chair)**

**AGENDA ITEM 4. Conflict of interest disclosure. (Admin)**

Any directors with a conflict of interest for any agenda item will so state.

The WDWDD bylaws were amended on 12 Feb 2019 to include defining conflict of interest disclosure as follows:

**ARTICLE V – DISCLOSURE OF CONFLICT OF INTEREST**

Any director who is present at a meeting at which is discussed any matter in which that director has, directly or indirectly, a private financial or property interest shall disclose such interest to the Board. Any such director shall refrain from advocating for or against the matter and shall disqualify himself/herself from voting on such matter. The Board may adopt a separate policy specifically, regarding ethical standards and practices.

**AGENDA ITEM 5. Approval of minutes from March 10, 2026 meeting in blue. (chair)**

**Draft minutes for regular board meeting on Mar 10, 2026, 3 PM**

*An audio recording for this meeting is available at [www.westdakotawater.com](http://www.westdakotawater.com)*

**CALL TO ORDER:** The West Dakota Water Development District (WDWDD) convened at 3:00 PM (Mountain Time).

**AGENDA ITEM 1. Pledge of Allegiance. (Chair)** 3:00 PM

**AGENDA ITEM 2. Roll Call of Members. (Admin)** 3:01 PM

Directors present: Ron Koth (Area 1), Dan Driscoll (Area 3), Scott McGregor (Area 4), Dan Mulally (Area 5), William Young (Area 6), Thomas Mack (Area 7), Mark Kline, (Area 8), Craig Kjar (Area 9)

Directors absent:, Roy Boschee (Area 2)

A quorum was declared.

Administration present: Larry Stetler (Program Administrator)

**Others in attendance** (as per sign-in sheet): Barry Muxen (CWA, BHEC, Sierra Club), Glenda Williams, Bob Williams, Jesse Wilkens (SDDANR), Lori Brown (BH Watershed Collaborative), Chris Stover (BH Watershed Collaborative), Jim Hayward, Hans Stephanson (BH Watershed Collaborative), Jamie Haueter (USGS), Colton Medler (USGS), James Bialota (Candidate US House), Chuck Mordhorst (SDGFP), Galen Hoogestrat (USGS)

**AGENDA ITEM 3. Approval of Agenda (The board cannot take official action on any item not on the agenda) (Chair)**

**Motion 1** by McGregor seconded by Kline to approve agenda (with the following addition):

Changes: correct name listed in Item 8 as Black Hills Watershed Collaboration to ‘Collaborative’

**Motion 1:** carries unanimously on a voice vote 3:05 PM

**AGENDA ITEM 4. Conflict of interest disclosure. (chair)**

0 conflicts stated:

**AGENDA ITEM 5. Approval of minutes** from January 13, 2026 meeting. (chair)

**Motion 2** by Driscoll second by Mulally to approve minutes from January 13, 2026 meeting with the following change(s): none

**Motion 2** carries unanimously on a voice vote. 3:03 PM

**AGENDA ITEM 6. Treasurers Report** (Stetler)

**Motion 3** by Mulally seconded by Driscoll to accept the treasurers report (with alterations listed below).

Mulally noted that the Green Valley Project has been suspended and WD can clear that commitment. Chairman Mack will get official documentation of project's end for further board action. Koth noted negative balances on two projects.

**Motion 3** carries unanimously on a voice vote. 3:110PM

**AGENDA ITEM 7. Information:** Summary of results of the recent Black Hills USGS Hydrologic Budget and Water Availability Study (Mulally, Medler). Presentation on video from 12 min to 39 min. Presentation slides posted on website.

**AGENDA ITEM 8. Information:** Black Hills Watershed Collaborative (Young and Collaborative members). Presentation on video from 39.5 min to 58 min. 3:58 PM

**AGENDA ITEM 9. Request:** Sponsorship of USGS Western South Dakota Hydrology Conference \$3,000.

**Motion 4** by Young seconded by McGregor to sponsor the USGS Western South Dakota Hydrology Conference in the amount of \$3,000

**Motion 4** carries 4:01 PM

**AGENDA ITEM 10. Request:** Sponsorship of 2026 Earth Day Expo \$1,100.

**Motion 5** by Young seconded by Kjar to sponsor the 2026 Earth Day Expo in the amount of \$1,100.

**Motion 5** carries no-Mulally 4:03 PM

**AGENDA ITEM 11. Information:** 319 project update (Chair, Andersen SD DANR)

Working on watershed protection and improvement of impaired areas. Press release forthcoming.

**AGENDA ITEM 12.** Proposed rescission of agreements and remaining budgeted funds for dry-land "erosion control" projects as shown on the 3-2-2026 project assistance summary. This is to include the Star Village project #26-001 in addition to the SDSMT and Cornerstone projects. (Koth)

**Motion 6** by Koth seconded by Young to rescind agreements and remaining budgeted funds for dry-land "erosion control" projects as shown on the 3-2-2026 project assistance summary. This is to include the Star Village project #26-001 in addition to the SDSMT and Cornerstone projects.

Summary was provided. Suggests projects rescinded so as to re-evaluate how to go about them within the SD codified statutes.

Driscoll noted expenses currently showing in red were made in 2025 prior to project end.

McGregor noted several statutes in another interpretation suggesting WD is able to do these projects. Suggested that WD can do these differently in the future but should not rescind ongoing projects.

Young noted 3 concerns: 1) adding invasive species in the grasses, 2) slope may contain rare plants, 3) possible increased sed load in high water event that could entrain debris placed by WD.

Substitute motion by Driscoll seconded by...no second. for the rest of 2026 WD will entertain no more agenda items or discussions from director Koth regarding legal authorization for erosion control projects or allocations of by-law violations.

Question was called by Mulally and passed.

**Motion 6** fails roll call 2 yes (Koth, Young), 7 no (Driscoll, McGregor, Mulally, Mack, Kline, Kjar)

4:45 PM

Public comment: Bialota applauds Koth for bringing this up stated his support. Calls it a scam involving real estate improvement.

**AGENDA ITEM 13. Information:** Update from erosion control committee (Driscoll and erosion control committee). No comments made

**AGENDA ITEM 14. Request:** funding of up to \$5,000 for collaborative erosion control project at the LaCroix Golf Course (Driscoll and erosion control committee)

**Motion 7** by Driscoll seconded by Mulally to provide funding up to \$5,000 for collaborative erosion control project at the LaCroix Golf Course.

Koth noted that WD has no standing agreement with the City requiring this to be a new agreement with signatures.

Driscoll noted funds were expended in 2025. Overage to be paid from this new project.

Substitute motion by Young seconded by Koth to eliminate the overage (\$1962.57) on 21\_003\_RCXXX\_21, LaCroix erosion project regardless of current motion vote.

Sub-Substitute Motion by Mulally seconded by Kline to approve funding for 21\_003\_RCXXX\_21, LaCroix erosion project in the amount \$1962.57.

Sub-Substitute motion rescinded by Mullaly and Kline.

McGregor states the substitute motion is inappropriate and was rescinded by Young and Koth.

Amended motion 7 by Driscoll and Mulally to change requested amount from \$5000 to \$2000 and use funds to clear overage of \$1962.57 on expired account 21\_003\_RCXXX\_21 and leave \$37.43 in the new account.

Koth notes we do not have an agreement at current. Driscoll stated new signatures will be collected.

**Motion 7** carries roll call: 5 yes (Driscoll, McGregor, Mulally, Kline, Kjar), 3 no (Koth, Young, Mack) 5:26 PM

**AGENDA ITEM 15: Discussion and action** on water development district purposes, sponsorship and assistance for water resources projects as applied to WDWDD within the permits of law (McGregor, Koth)

McGregor: WD purpose: provide a sufficient water quality or quantity aspect not withstanding public access or not.

Koth: board needs additional guidance as to what we need to be looking at regarding water quality-quantity. EDWDD lists statutes they operate under.

Public comment: Bialota stated that both case law and statutes exist that would support Koth's statements. He cited the 'gift' clause and stated he would supply the information.

**Motion 8** by Koth seconded by McGregor to work with Executive Committee and Chairman, directing Chairman to obtain attorney general opinion on definition of water resources projects, providing

assistance, as identified in Chapter 46A SDCL.

**Motion 8** carries

5:48PM

**AGENDA ITEM 16: Chair’s comments.** none

**AGENDA ITEM 17: Items from directors.** Young announced creek cleanup Sat Mar 14

**AGENDA ITEM 18: Items from admin.** none

**AGENDA ITEM 19: Items from public.** Bialota noted that the read door of the facility is a handicap door and needs to be open during meeting times.

**AGENDA ITEM 20: Adjournment** by Chairman Mack

5:52 PM

Respectfully submitted:

Larry D Stetler, Program Administrator

Craig Kjar, Secretary

**AGENDA ITEM 6: Treasurer’s Report (Stetler)**

**Statement of Financial Position**

West Dakota Water Development District

As of May 4, 2026

	↕ Total
∨ Assets	
∨ Current Assets	
∨ Bank Accounts	
BHCB ASAP Transfers BOR Federal Grant Checking	100.00
BHCB BOR WaterSMART Grant - Match	11,654.09
BHC Business Savings	648.84
BHC Main Checking Account	4,252.68
BHC Savings-PennCo Levy Money Market	77,687.09
SD DANR 319	133,333.00
<b>Total for Bank Accounts</b>	<b>\$227,675.70</b>
∨ Other Current Assets	
Raymond James CD 57203	0.00
Raymond James Savings Account	823,116.79
<b>Total for Other Current Assets</b>	<b>\$823,116.79</b>
<b>Total for Current Assets</b>	<b>\$1,050,792.49</b>
<b>Total for Assets</b>	<b>\$1,050,792.49</b>
> Liabilities and Equity	\$1,050,792.49

## Activity YTD Comparison Jan1-May4 2026

West Dakota Water Development District

March 3-May 4, 2026

	TOTAL	
	↓ Mar 3 - May 4 2026	Jan 1 - May 4 2026 (YTD)
<b>Revenue</b>		
Pennington County Tax Levy	17,314.89	31,318.27
Grants	6,871.23	14,206.36
<b>Total for Revenue</b>	<b>\$24,186.12</b>	<b>\$45,524.63</b>
Cost of Goods Sold		
<b>Gross Income</b>	<b>\$24,186.12</b>	<b>\$45,524.63</b>
<b>Expenditures</b>		
Project Expenses		
21-003 LaCroix Golf Course Ero...		3,225.60
25_003_SDMX		4,951.66
25_004_CRNSTX		3,442.08
26-001-STVRCX		1,966.70
24-004 BARRX Barr Water Mgmt...	10,458.50	21,623.08
26_002_USGSX WSDHC 2026	3,000.00	3,000.00
26_003_EDAYX Earth Day	1,113.00	1,113.00
22-006 Star Village Erosion Control	325.00	1,232.16
<b>Total for Project Expenses</b>	<b>\$14,896.50</b>	<b>\$40,554.28</b>
Non-Project Expenses		
Insurance Expense		375.00
Legal Fees		2,500.00
Professional Admin Services Co...	5,000.00	10,000.00
Rents	1,000.00	2,500.00
Director Stipend	800.00	1,600.00
Computer/Software Related	342.67	342.67
Admin/Office Expenses	296.24	1,246.26
Professional Services/Contracts	207.09	207.09
Director Travel/Mileage	46.86	112.06
<b>Total for Non-Project Expenses</b>	<b>\$7,692.86</b>	<b>\$18,883.08</b>
<b>Total for Expenditures</b>	<b>\$22,589.36</b>	<b>\$59,437.36</b>
<b>Net Operating Income (Period)</b>	<b>\$1,596.76</b>	<b>-\$13,912.73</b>
<b>Other Revenue</b>		
Interest Income	4,909.77	10,039.96
<b>Total for Other Revenue</b>	<b>\$4,909.77</b>	<b>\$10,039.96</b>
Other Expenditures		
<b>Net Other Revenue</b>	<b>\$4,909.77</b>	<b>\$10,039.96</b>
<b>Net Revenue</b>	<b>\$6,506.53</b>	<b>-\$3,872.77</b>

Figure 1. Treasurers Ledger Report

WDWDD Project Assistance Summary, projectSummaryWdwd.xlsx, LD Stetler		5/5/2026			
Name	WDWDD Proj. number	Grant Amount	current paid amount	Balance remaining	
2026 Projects					
Collaborative erosion control project Star Village w/Rapid City	26 001 STVRCX	\$ 15,000.00	\$ 325.00	\$ 14,675.00	
2026 Western Dakota Hydrology Conf. (closed)	26 002 USGSX	\$ 3,000.00	\$ 3,000.00	\$ -	
2026 Earth Day Expo	26 003 EDAYX	\$ 1,100.00	\$ 1,113.00	\$ (13.00)	
Collaborative erosion control project LaCroix Golf Course	26 004 LCRX	\$ 2,000.00	\$ 1,962.57	\$ 37.43	
2025 Projects					
2025 Western Dakota Hydrology Conf. (closed)	25 001 USGSX	\$2,000.00	\$2,000.00	\$0.00	
2025 Earth Day Expo (closed)	25 002 EDAYX	\$1,000.00	\$1,000.00	\$0.00	
Collaborative erosion control project SDSMT	25 003 SDMX	\$15,000.00	\$4,951.66	\$10,048.34	
Collaborative erosion control project Cornerstone Mission	25 004 CRNSTX	\$5,000.00	\$3,457.08	\$1,542.92	
2024 Projects					
2024 Western Dakota Hydrology Conf. (closed)	24 001 USGSX	\$2,000.00	2,000.00	\$0.00	
GFP Invasive Species Boat Inspections (closed)	24 002 GFPXX	\$20,000.00	20,000.00	\$0.00	
Barr manage through the finalization of the BOR grant (closed)	24 003 BARRX	\$7,500.00	7,399.00	\$0.00	
Barr Water Management Modeling of Deerfield/Pactola-system	24 004 BARRX	\$262,291.00	223,997.05	\$38,293.95	
USGS Stream Gauges 2024-2027	24 005 USGSX	\$35,685.00	11,725.00	\$23,960.00	
WDRWS Grant for Matching SWRMS (closed)	24 006 WDRWS	\$25,000.00	25,000.00	\$0.00	
EPA Section 319 DANR Watershed Improvement Project	24 007 DANRX	\$133,333.00	0.00	\$133,333.00	
2023 Projects					
USGS Stream Gauges 2023 (closed)	23 001 USGSX	\$16,080.00	\$16,080.00	\$0.00	
GFP Invasive Species Boat Inspections (closed)	23 002 GFPXX	\$20,000.00	\$20,000.00	\$0.00	
Rotating Basins Rotation 2023 DANR (closed)	23 003 DANRX	\$26,500.00	\$26,500.00	\$0.00	
2023 Western Dakota Hydrology Conf. (closed)	23 004 USGSX	\$2,000.00	\$2,000.00	\$0.00	
WDRWS Grant for Matching SWRMS (closed)	23 005 WDRWS	\$25,000.00	\$25,000.00	\$0.00	
Collaborative Project for Erosion Control Raider Park (closed)	23 006 RAIDE	\$15,000.00	\$8,693.70	\$0.00	
Keystone Removal of Sediment Winter Street Bridge (closed)	23 007 KEYST	\$10,000.00	\$10,000.00	\$0.00	
Barr BOR Grant Application Pactola/Deerfield Model (closed)	23 008 BARRX	\$8,538.00	\$8,538.00	\$0.00	
Medicine Mountain Boy Scouts Water (closed)	23 009 BOYSC	\$25,000.00	\$25,000.00	\$0.00	
WaterSmart BOR Pactola/Deerfield Study (closed)	23 010 BORXX	\$100,000.00	\$0.00	\$0.00	
USGS Stream Gauges 2024 (closed)	23 011 USGSX	\$16,450.00	\$16,450.00	\$0.00	
2022 Projects:					
USGS Stream Gauges 2022 (closed)	22 001 USGSX 21	\$15,760.00	\$15,760.00	\$0.00	
Rotating Basins Rotation 2 DANR (closed)	22 002 DANRX	\$22,000.00	\$22,000.00	\$0.00	
Rapid Creek Restoration Penn Conservation District (closed)	22 003 PCDX	\$50,000.00	\$7,500.00	\$0.00	
2022 Western Dakota Hydrology Conf. April. (closed)	22 004 USGSX	\$2,000.00	\$2,000.00	\$0.00	
GFP Invasive Species Boat Inspections (closed)	22 005 GFPXX	\$20,000.00	\$20,000.00	\$0.00	
Collaborative project for erosion control Star Village, RC (closed)	22 006 STRRC	\$15,000.00	\$15,000.00	\$0.00	
Collaborative project for erosion control Star Village, Tzadik (closed)	22 007 STRTZ	\$9,000.00	\$5,306.96	\$0.00	
2020/2021 Projects:					
Trinity Eco Park Drainage Improvement (closed)	20 006 TRINI_20_AO	\$24,500.00	\$24,500.00	\$0.00	
SDSMT Impervious Areas in RC (closed)	20 003 SDSMT 20_AO	\$24,871.00	\$20,965.57	\$0.00	
USGS Stream Gauges (closed)	20 001 USGSX 19_AZ	\$15,600.00	\$15,600.00	\$0.00	
USGS Water Quality Monitoring of Canyon Lake (closed)	20 002 USGSX 19_AO	\$18,000.00	\$18,000.00	\$0.00	
Town of Keystone (closed)	20 007 KEYSTO 20_AO	\$25,000.00	\$25,000.00	\$0.00	
Revegetation Exposed Soils on SDSMT (closed)	20 005 SDSMT 20_AO	\$24,800.00	\$24,800.00	\$0.00	
Banner Next Steps for Missouri River Water (closed)	20 004 BANNE 20_AZ	\$24,500.00	\$24,500.00	\$0.00	
Banner Missouri Water Needs Assessment task 1 (closed)	20 009 BANNE 21_AO	\$79,030.00	\$79,030.00	\$0.00	
USGS Stream Gauges 2020 (closed)	20 010 USGSX	\$15,600.00	\$15,600.00	\$0.00	
Green Valley Sanitary District (Interstate Engineering)	20 008 GVSOW 20_AO	\$125,000.00	\$0.00	\$125,000.00	
2021 Western SD Hydrology Conf. (closed)	21 001 USGSX 21_AZ	\$1,000.00	\$1,000.00	\$0.00	
GFP Invasive Species Boat Inspections (closed)	21 002 GFPXX 21_AO	\$10,000.00	\$10,000.00	\$0.00	
Erosion Control Project at LaCroix Golf Course (closed)	21 003 RCXXX 21	\$12,000.00	\$12,000.00	\$0.00	
Erosion Control of Exposed Soils N. of Star Village, Weger (closed)	21 004 STRWE 21	\$10,000.00	\$8,746.64	\$0.00	
Erosion Control of Exposed Soils N. of Star Village, Tzadik (closed)	21 005 STRTZ 21	\$15,000.00	\$7,516.18	\$0.00	
Repair of Living Lab SDSMT (closed)	21 006 SDSMT	\$5,000.00	\$4,336.52	\$0.00	
Phase II TerraSite Inventory Impervious Areas in RC (closed)	21 007 TERRA	\$24,950.00	\$24,950.00	\$0.00	
<b>TOTAL PROJECT OBLIGATIONS</b>				<b>\$346,877.64</b>	

Figure 2. Project summary. Shaded lines are active.



## Timeline

Funds deployed within 30 days of award;  
deliverables complete within 18 months;  
informs long-term headwater management  
planning for USFS and SDGFP.

## Project partners and project proponent contributions (financial and in-kind)

South Dakota Game and Fish, Black Hills Area  
Community Foundation, Black Hills Fly Fishers  
(see Project partners and project proponent  
section for detailed breakdown)

### 1) Project Problem/Opportunity Statement: Why This Matters and Why Now?

#### The Headwaters Reality

Every drop of water serving WDWDD member communities originates in the 4 primary Black Hills headwater streams — North and South Rapid Creek, Castle Creek, Spring Creek, and their numerous small tributaries, wet meadows, and unique wetlands features, including fen and peatland systems. This Upper Rapid Creek basin covers ~300,000 acres of public and private lands and ~450 perennial stream miles. The health and function of these headwater systems determines:

- **How much water reaches the reservoirs and aquifers WDWDD ratepayers depend on**, particularly in late summer when demand is highest.
- **How clean it is when it gets there**, which directly affects municipal treatment costs and infrastructure lifespan.
- **How resilient the supply is** to drought, wildfire, and the climate trends already documented in regional precipitation and snowpack data.

#### Current State of Our Headwaters

Black Hills headwater streams have the potential to be incredibly resilient but have experienced significant disturbance (mining, road crossings, over utilization by livestock, intentional channelization), and are becoming increasingly fragile. As our regional population increases and climate variability intensifies, the degradation trajectory is accelerating. A July 2025 USGS hydrology study concluded that water use is outpacing aquifer recharge in the most populous areas of the Black Hills — including Rapid City, Summerset, Box Elder, and Sturgis — even in non-drought years. The US Forest Service Watershed Condition Assessment considers 100% of Upper Rapid Creek as “functioning-at-risk” with riparian conditions ranging from fair to poor. 80% of our floodplain acres do not regularly interact with the adjacent stream channel, leading to increased drying of wetlands, increased fire danger, and higher water temperatures. There are several significant contributing and related factors, including:

- **Beaver population collapse:** South Dakota Game, Fish and Parks documented a 73% decline in beaver occupancy across the Black Hills Fire Protection District between 2012 and 2023. Beaver wetlands historically captured snowmelt, extended baseflows, and stored sediment — functions that are now largely lost across the headwaters.
- **Lack of Aspen regeneration:** The dominant hardwood that anchors riparian function is being lost to conifer encroachment, browsing, and fire exclusion. Aspen-supported watersheds yield more water and lose less to evapotranspiration than conifer-dominated watersheds. They also support higher biodiversity and improve habitat quality for priority wildlife species.
- **Stream channel incision and disconnected floodplains:** Headwater channels have downcut, disconnecting from their floodplains, accelerating runoff and erosion, decreasing water quality, and reducing the natural water storage that benefits late-season flows.

- **Changes in Fire Regime and Wildlife Potential:** The Forest Service considers 60% of the Upper Rapid Creek basin in Fire Regime Condition Class III. This indicator means that there is a “high likelihood of losing key ecosystem services because of the presence or absence of fire. This is caused by changes in vegetation, changes in fuel load and long-term fire exclusion. Pactola Reservoir, the focal reservoir in the Rapid Creek system, is fed by the upper watershed and is highly vulnerable to experiencing negative effects from wildfire. Post-fire impacts include flooding waters containing ash and debris causing damage to infrastructure, posing threats to water quality and municipal water supplies, threatening human life and property, and post-fire flooding also causes loss of habitat for aquatic and riparian species.

### **What This Costs WDWDD Ratepayers**

Headwaters degradation and loss of ecosystem services show up as real costs to water users and communities:

- Higher treatment costs when sediment and turbidity events follow upstream disturbance.
- Diminished late-season low flows that stress supply during peak demand.
- Greater exposure to catastrophic disruption from a major upstream wildfire — a single Rapid Creek basin fire event could significantly impact Rapid City water quality and quantity.
- Increased volatility and uncertainty in water supply complicate long-term WDWDD planning and infrastructure investment.

*Source-water protection is not purely an environmental priority; it is an investment in a durable water supply and in watershed protection against drought and fire.*

### **The Restoration Opportunity**

#### **Nature-Based Solutions**

Historically, Black Hills headwater streams supported abundant beaver populations, multi-age aspen forests, and complex wet-meadow valley bottoms that captured snowmelt and summer precipitation and released it slowly through the summer. The loss of our natural water storage is not an irreversible condition. Over the past decade, there has been a growing interest in utilizing the science of process-based restoration (PBR) to restore degraded stream systems, particularly in the arid and intermountain West and in high value trout fisheries. PRB seeks to restore natural stream processes (hydrology, sediment transport, etc.) with the goal in many projects being beaver restoration, beaver mimicry, and floodplain reconnection. These techniques are called "low-tech, low-cost" because they minimize heavy equipment, require no advanced engineering, and rely on natural processes rather than engineered channel form. Temporary structures such as Beaver Dam Analogs (BDAs) and grade-control structures slow high flows, capture sediment, aggrade incised channels, reconnect floodplains, and rehydrate adjacent riparian vegetation. Documented outcomes from comparable restoration efforts include:

- **Bridge Creek, Oregon:** Beaver dam analog installation produced a 52% increase in steelhead juvenile production and significant late-season baseflow extension (Bouwes et al. 2016).
- **Methow Valley, Washington:** Beaver relocation paired with BDA infrastructure has demonstrated 50–70% colony persistence and measurable wet-meadow recovery.
- **Multiple Western fires (2000–2018):** Beaver-impacted riparian zones stayed green and wet through severe wildfires at three times the rate of non-beaver riparian zones, functioning as natural fire breaks (Fairfax & Whittle 2020).
- **Science supported restoration outcomes:** increased fish productivity and late-season baseflow extension at Bridge Creek, Oregon (Bouwes et al. 2016); successful beaver relocation and wet-meadow recovery in the Methow Valley, Washington; beaver-dammed riparian corridors staying green and wet through droughts and

severe wildfires at three times the rate of comparable non-beaver zones (Fairfax & Small 2018; Fairfax & Whittle 2020); substantial in-stream sediment capture by beaver dam complexes that would otherwise be delivered to downstream reservoirs (Levine & Meyer 2014); and most recently, no significant change in downstream streamflow following installation of 17 BDAs on a semi-arid Western stream over a 2-year monitoring period (Bosworth et al. 2025) — evidence that low-tech process-based restoration delivers ecological benefits without measurably reducing water supply.

### **Why Now? Collaboration Work and Opportunities**

The Black Hills are uniquely well-positioned to begin landscape scale restoration in the next 12–18 months because of our robust conservation partner network.

- **State and Federal (NEPA, USACE) permitting completed for critical headwater reaches.** The 2025 Sawbuck Forest Management Project includes comprehensive permitting clearance in crucial Rapid Creek headwater areas. Gimlet Creek, North Fork Box Elder, and Hop Creek are currently in process. PBR techniques are also a cost-share eligible practice on private lands through NRCS and SDGFP.
- **State and Federal partnerships established.** The Black Hills National Forest, SD Game, Fish and Parks, SD Dept. of Ag and Natural Resources and the USDA Natural Resource Conservation Service (NRCS) are founding members of our Collaborative and support data analysis, project development, and permitting. One of the stated goals of this Collaborative is to facilitate agency resource sharing and add support capacity to help address agency needs.
- **State agency policy alignment.** South Dakota Game, Fish and Parks 2025–2029 Black Hills Beaver Action Plan provides the policy framework, beaver relocation protocol, and an active two-year trapping moratorium creating breathing room for recovery. The Collaborative is positioned to support a “living with beaver” initiative to help private landowners and land management agencies better tolerate beaver presence and implement non-lethal beaver practices such as tree protection and pond height levers.
- **Tribal partnerships established.** Cooperative agreements are in place with the Cheyenne River Sioux Tribe and the Greater Sioux Nation. The goal of these agreements is to facilitate the co-creation of conservation and restoration plans, build trust, and create a pathway for tribal natural resources programs to actively engage in stewardship of the Black Hills.
- **Local conservation capacity.** Black Hills Fly Fishers, National Wild Turkey Federation (NWTF) South Dakota, and Mule Deer Foundation are committed funding and implementation partners; Trout Unlimited, World Wildlife Fund, South Dakota State University, and Rocky Mountain Elk Foundation are next-tier partners in active conversation.

### **2) Objective of this Proposed Project:**

This request is for funds to develop a comprehensive watershed assessment and long-term restoration plan for the Rapid Creek headwaters. The assessment will evaluate the current conditions and physical and biological characteristics including hydrologic, geomorphic, and ecological attributes of the Upper Rapid Creek basin, in order to identify and prioritize stream reaches for restoration. This product will serve as a decision support tool for agency staff and conservation partners to help align funding resources, and better identify opportunities for project collaboration. Without a comprehensive assessment of these areas, conservation partners and agencies are operating without a roadmap, resulting in resources being mismatched, duplicative efforts, and missed opportunities for low-cost, high impact restoration projects. This results in a patchwork of projects and fails to generate landscape-scale restoration outcomes. This restoration work has been happening in fragmented form for over a decade. The Forest Service and Game, Fish and Parks installed BDAs at Schoolhouse Gulch beginning 2018 and have continued at Silver Creek, Green’s Gulch, and upper Gimlet Creek. What has been missing is coordination, technical prioritization, and data-driven decision support tools. The assessment will include a combination of qualitative and quantitative remote and field-based surveys. The proposed GIS

assessment serves as the upstream watershed supply-side complement to the Pactola/Deerfield reservoir operations modeling the District is currently funding through Barr Engineering. Characterizing the upstream conditions that determine inflow reliability and water quality, where the Barr modeling characterizes reservoir operations and demand.

The restoration plan will include a detailed framework of management approaches that facilitate the recovery to a healthy and self-sustaining headwaters riverscape system. Targeted restoration approaches will include: low-tech process based restoration techniques, aspen and woody riparian vegetation recovery, beaver translocation, and targeted grazing management.

**3) Recognition that WDWDD will receive for this gift**

The WDWDD logo will be included on the website as a formal partner and will receive recognition on social media. Name and logo will be included at all public meetings and on developed print materials and associated reports. Additional recognition can be added at the request of the board.

**4) Expected Outcomes**

The primary outcome will be a watershed GIS assessment and the development of a long-term Restoration Action Plan. The Action Plan will be developed based on the assessment analysis and community input and feedback to ensure local voices and stakeholders are represented.

**5) Project Timeline**

This project is not to exceed 18 months. All work will commence within 30 days of funds being received. A detailed timeline with delivery dates will be provided when funding has been secured. Schedule of activities:

Activity/Milestone/task	Completion
1 Request for bid released	Within 45 days of funding received
2 Assessment contractor selected and contract signed	Within 60 days of funding received
3 Preliminary assessment results provided by Contractor	Within 3 months
4 Completed assessment results provided by Contractor	Within 6 months
5 Host stakeholder and community input sessions	9 months
6 Completed restoration action plan	12 months
7 Final report, assessment, and restoration plan complete	18 months

**6) Significant project milestones and associated deliverables**

Deliverables will include:

- Beaver Restoration Assessment model: identifying existing and historical beaver dam capacity, existing suitable habitat and “low-hanging fruit” opportunities for habitat restoration and relocation success at the reach scale.
- Reach-scale prioritization matrix combining beaver suitability, aspen presence and/or regeneration opportunity, channel condition, downstream ecosystem benefits, and potential aquatic connectivity benefits.
- Site-specific restoration approaches for the highest-priority reaches — specific BMPs and suitable restoration actions to create the best return on conservation dollar investment for both ecosystem services and water quantity.

*Additional milestones listed in the Timeline section.*

## 7) Overall project budget

Expense Category	Amount
Total funds requested: \$75,000.	
Contractual - Private contractor to complete assessment and support development of restoration action plan	\$65,000
Labor - project coordinator and contract	\$9,750 (\$35/hr, expected time 15 hours per

## 8) Project partners and project proponent contributions

- **South Dakota Game Fish and Parks:** Technical assistance and in-kind support contribution. Staff will assist with GIS analysis, consult on prioritization, and lead upcoming monitoring.
- **Black Hills National Forest:** Technical assistance and in-kind support contribution. Staff will assist with GIS analysis, consult on prioritization, provide relevant spatial data, and make interdisciplinary teams available to review assessment results.
- **Black Hills Fly Fishers:** Community stakeholder and financial contribution of \$5,000.
- **South Dakota Chapter Wild Turkey Federation:** Staff will provide technical assistance and will utilize the assessment report to guide funding decisions for the “*Waterways for Wildlife*” grant program.
- **Mule Deer Foundation:** Staff will provide technical assistance, cost-share community outreach expenses and support cost-share for restoration implementation.
- **Black Hills Area Community Foundation:** Collaborative Fiscal Sponsor. BHACF has committed \$30,000 to support coordination and management of the project. As the Collaborative sponsor they support a staff position to act as the project coordinator who will facilitate and organize project activities, reporting requirements, and manage project activities and progress. Additional support staff are available to help with financial management, reporting, and invoicing.
- **Cheyenne River Sioux Tribe** (cooperative agreement in place)
- **Greater Sioux Nation** (cooperative agreement in place)
- Additional tribal partnerships under development with other Great Sioux Nation members
- **US Fish and Wildlife Service:** in-kind contribution partner, providing capacity and infrastructure at D.C. Booth Hatchery to serve as a beaver relocation facility.

## 9) Billing method requested and schedule

Quarterly payment requested. Invoices will include a performance report, detailed expenses and other significant updates as needed. The Black Hills Area Community Foundation will provide administrative support for all financial management and reporting needs.

## 10) Final project deliverables

Final deliverables will include a presentation to the WDWDD board accompanied by the assessment report and Restoration Action Plan. The board will also be provided all data collected and detailed analysis used to generate prioritization conclusions and a report from stakeholder and community input sessions. All products will be made publicly available for use by any agency, university, or organization.

## 11) Intellectual property rights if applicable

Not Applicable

**AGENDA ITEM 8:** Authorize purchase of name tags for Directors and Administration. Mulally

**AGENDA ITEM 9:** Rescind Green Valley Sanitation District funding in 2020. \$125,000. McGregor

**AGENDA ITEM 10:** Information: Update from WDRWS. Conzet

**AGENDA ITEM 11:** Information: Deerfield/Pactola reservoir modeling stakeholder meeting, Apr. 17, 2026.  
Chair

Deerfield-Pactola Water Management Modeling Stakeholder [Meeting](#)

Rapid City, South Dakota  
**DoubleTree Rapid City, Black Hills Ballroom**  
**April 17, 2026 9:00 AM– 11:00 AM**

**Attendees:**

- City of Rapid City
- U.S. Bureau of Reclamation
- South Dakota Department of Agriculture and Natural Resources (SD DANR)
- South Dakota Department of Game, Fish, and Parks (SD GFP)
- Black Hills Fly Fishers
- Rapid Creek Preservation Association
- Rapid Creek homeowners / landowners
- West Dakota Water Development District (WDWDD)
- AE2S
- Barr Engineering Co.
- Other state and local water, fisheries, and recreation interests

A detailed attendee list with affiliations and email contacts is provided at the end of this document.

[Summary of Discussion](#)

[First cut at Constraints](#)

- Reservoir storage: The City of Rapid City emphasized that reservoir storage should never fall below a defined minimum level.
- Flooding along Rapid Creek: Homeowners noted that flows around 500 cubic feet per second (cfs) begin to cause flooding of homes along Rapid Creek downstream.
- Fisheries protection
  - Very low releases negatively affect fish habitat.
  - Stakeholders noted that parts of the stream are becoming wider and shallower under current minimum releases, which differs from historical channel morphology and negatively affects fisheries.
  - As a result, higher minimum releases may be needed to support aquatic habitat.

[Stakeholder Engagement and Process Questions](#)

- Stakeholders asked how input will be gathered, documented, and incorporated going forward.
- Additional stakeholder groups suggested for future meetings included:
  - Tribal representatives
  - Paddling and boating groups
  - Agricultural interests
  - Tourism organizations, such as Black Hills Badlands Tourism
  - Other potentially affected groups

### Decision-making Questions

- Questions were raised by Barr about:
  - What level of change is considered acceptable under alternative management scenarios.
  - Whether stakeholders understand how well the Deerfield–Pactola system is performing under the current operating rules.
  - Who the ultimate decision makers are in the process.
- The City of Rapid City requested the ability to track how much of its 90,000 acre-feet water allocation is affected or constrained under different management alternatives. Barr noted that this is included in the modeling currently.

### Next Steps and Additional Considerations

- Per the Bureau of Reclamation, the next formal step from their perspective is an internal reservoir operations evaluation conducted by Reclamation. This is beyond the modeling peer review and would be a longer process to determine whether or not they can adopt whatever new framework comes out of this process.
- Stakeholders asked whether climate-change-informed hydrology will be considered in future analyses. Barr said it's not part of the current scope, but that Reclamation flagged it during the peer review process.

### Action Items

- Establish a structured process for collecting and incorporating stakeholder input into modeling and decision-making.
- Identify and invite additional stakeholder groups to future meetings.

### **AGENDA ITEM 12:** Funding change order: \$27,000 for Barr Engineering. Chair

#### Summary:

West Dakota Water Development District has been working with Barr Engineering studying the feasibility of possibly changing the release schedule at Pactola and Deerfield Reservoirs.

Within the last year Barr Engineering has been working with West Dakota, Bureau of Reclamation and the city of Rapid City to build models that could work meeting the goals of the model. The model took the inputs of all participants involved and worked to build a model that matched the reality of the flows. With the input provided Barr built their model to show the possibilities of changing the current model used by the Bureau of Reclamation.

Due to the shutdown and layoffs of staff the Bureau of Reclamation they were unable to respond to Barr proposal through a technical review. The review was not completed until February of 2026. Two months later than expected. Upon reading the technical review it was found that Barr needed to update their model to meet Bureau of Reclamation standards.

Barr under the direction West Dakota's chairman was to correct the model to meet the Bureau of Reclamation standards and use any cost savings to divert for the changes. After the changes were completed there is going to be a shortfall of \$27,000 from the initial amount.

Barr is requesting the money due to the additional work to be done to meet the comments by the Bureau of Reclamation. This is additional funding needed due to the delays on building the model.

It is the chair's recommendation is to fund the additional \$27,000.

Below is the remaining timeline with funds that are already covered.

Barr's Vision additional over the next 12 months, including:

Follow-up engagement of the larger group of stakeholders from the April Meeting

Barr could help with creation of a webpage that allows collecting input from stakeholders

That webpage could show what has happened / will happen if the existing water management rules remain in place, to better depict the opportunities that are being missed if nothing changes

New scenarios to model resulting from input by larger group of stakeholders

Possible presentation at Western SD hydrology conference in 2027

**AGENDA ITEM 13:** Information: Earth Day report. McGregor

**AGENDA ITEM 14:** Information: Erosion Control Committee projects report. Driscoll and committee

**AGENDA ITEM 15:** Discussion: Potential future project/funding opportunities for West Dakota. Driscoll

**AGENDA ITEM 16:** Discussion: review of request for Attorney General opinion. McGregor



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April 27, 2026

The Honorable Marty Jackley  
Attorney General of South Dakota

Office of the Attorney General

1302 S.D. E. Hwy 1889

Suite 1

Pierre SD 57501-8501

RE: Request for an Attorney General's Opinion Concerning Water  
Development Districts, SDCL 46A-3A, et seq.

Dear Attorney General Jackley:

I am the Chair of the nine-member board of directors of the West Dakota Water Development District, a political subdivision of the State of South Dakota, created by the Legislature in 1984. SDCL 46A-3A-6. Recently the Board has become uncertain concerning the type and scope of projects a water district is permitted to fund or assist in funding and whether the district itself may conduct certain projects.

**FACTS:** For the last several years, the District, on its own initiative, has engaged in dryland erosion control projects on both public and private land. The projects have been funded principally by the district. One of the District directors has organized the projects, secured volunteers, and conducted the work agenda which essentially involves planting ground cover and erecting stopgap erosion sediment barriers. No standards have been adopted to measure the success of the project in reducing either sediment movement at the site or the amount of sediment entering public waters. The District has also received requests for funding assistance from time to time from private organizations for water development projects, such as dam or impoundment improvements, on private grounds not openly accessible to the public at large. The Directors are, at present, seriously in conflict concerning the kinds of projects in which a water district may engage or may fund.

**STATUTES:** The statutory definition of a "water resources project" or "water resources development" is at best convoluted. SDCL 46A-2-4(14). The statute says:

"Water resources projects" or "water resources development," contracts

for the marketing of water service or the facilities by which water is controlled, regulated, reclaimed, or made available for use, or the quality of which is protected and improved, including any wells, reservoirs, dams, water reclamation facilities, wastewater treatment facilities, intake structures, pumping stations, equipment, rights-of-way or easements, works or facilities, land and buildings or other real or personal property intended either to generate or sell hydroelectric power from projects which may include provisions for irrigation, municipal, rural, or industrial water supplies or to control, regulate, drain, reclaim, dispose of, pump, store, treat, purify, distribute, deliver, put into aquifers or water courses, or otherwise make available water for any beneficial use. The term includes the studies, investigations, plans, construction, operation, or maintenance associated with the facilities, and debt service reserve funds, funds to provide capitalized interest and any costs incurred in connection with the issuance of obligations to finance any of the foregoing.

Two other statutes of principle relevance to the directors' concerns are SDCL

46A-3A-1.1 and SDC 46A-3E-7. The former states:

Each water development district shall promote the conservation, development, and proper management of district water resources, according to district priorities. Each water development district shall serve as a district-wide clearinghouse for water quality and supply projects through:

- (1) The provision of technical, organizational, and financial assistance to prospective and existing project sponsors;
- (2) The recommendation of projects for inclusion in the state water plan; and
- (3) Any lawful means, not otherwise provided, to accomplish the purposes of chapters 34A-2, 34A-3A, 34A-6, and 34A-9, chapters 46A-3A to 46A-3E, inclusive, and chapters 46A-1 and 46A-2.

The latter provides:

A water development district may assist, sponsor, or construct a water resources project provided:

- (1) Specific areas shall finance those phases of water resources development that provide general benefits to the people in the areas;
- (2) Direct beneficiaries shall finance those phases of water resources development that provide water for their use or that protect or enhance the value of their property; and
- (3) Administrative jurisdiction and responsibility for the various phases of water resources development are related to the variable degrees of benefits.

**QUESTIONS:** Based on these facts and statutes, the West Dakota Water Development District Directors have three questions:

First, what is the concise, operative definition of a “water resources project” relative to the district’s authority to fund projects under SDCL 46A-3A-1.1 and 46A-3E-7 like those identified above?

Two, may the district fund undertakings, like erosion control, conducted by the district itself, on public and private lands? If so, how is the district to determine the extent of required financial participation by the landowner required by SDCL 46A-3E-7 (2)?

Three, may the district assist in funding water development activities, like dam upgrades or water well and septic/sanitation improvements, for private groups, like a Homeowners Association, where ultimate access to the improvement is restricted or unavailable to the public at large? If so, again, how is the district to determine the extent of required financial participation under SDCL 46A-3E-7 (2)?

Your acceptance of this request for an opinion will very much be appreciated.

Certainly, should you require any further information I stand ready to promptly respond to your needs. Thank you.

Sincerely,

Thomas Mack, Chair

West Dakota Water Development District

bcc: Jay Gilbertson

East Dakota Water Development District

**AGENDA ITEM 17:** Discussion: 2026 Director elections, petitions, and open positions. McGregor

**AGENDA ITEM 18:** Chair's comments

**AGENDA ITEM 19:** Items from directors

**AGENDA ITEM 20:** Items from admin.

**AGENDA ITEM 21:** Items from public.

**AGENDA ITEM 22:** Adjournment