



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 1, 2018

Lilias Jarding, PhD
PO Box 591
Rapid City SD 57709

Dear Dr. Jarding:

Water Management Board Chairman James Hutmacher asked DENR to respond to your letter dated July 12, 2018. Your inquiry focuses on Mineral Mountain Resources obtaining water from a Lead Deadwood Sanitary District hydrant for use in mining exploration outside the city limits of the towns it serves.

The Water Management Board commonly issues water permits to entities such as municipalities or districts. Those entities in turn charge customers for the service of providing water. In some instances bulk water is supplied to individuals or contractors who may transport water outside their boundaries. There is nothing in water rights law that requires obtaining an additional water permit to accommodate customers who obtain water within the boundaries of a municipality or water district and then transport the water outside of the boundaries of the entity.

As a matter of water rights law, a municipality or water district is not restricted as to who they serve within their boundaries. Also, DENR is not aware of a water rights law that prevents a municipality or sanitary district from charging for water service to an entity such as Mineral Mountain Resources.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

cc: Water Management Board Chairman James Hutmacher
Kirsten Jasper, Assistant Attorney General