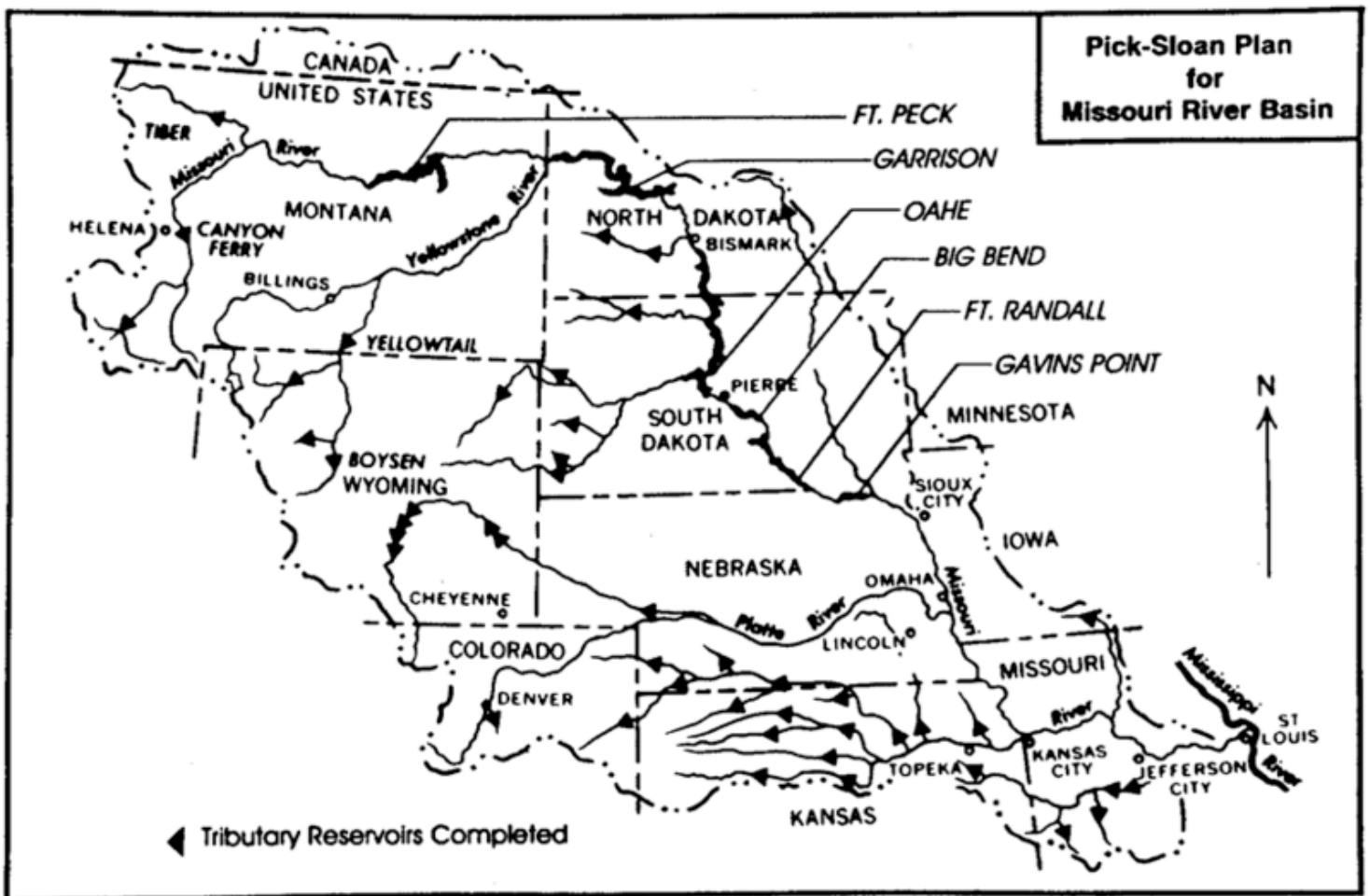


PROMISES MADE ...

THE PICK-SLOAN FLOOD CONTROL ACT – 1944



States impacted by the 1944 Pick-Sloan Flood Control Act
Upper basin states (SD, ND, MT, & WY)
Lower basin states (NE, IA, MO, KS, & CO)

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Executive Summary:

The Pick-Sloan Flood Control Act of 1944 was born out of a compromise between two competing visions for managing the Missouri River: Colonel Lewis A. Pick's emphasis on flood control and navigation, and William Glenn Sloan's focus on irrigation and hydropower generation. Prompted by devastating floods threatening military logistics during World War II, President Franklin D. Roosevelt mandated this reluctant collaboration to safeguard national security, resulting in the comprehensive Public Law 78-534 Pick-Sloan Flood Control Act.

This Act authorized the construction of major dams along the Missouri River, notably Oahe, Big Bend, Fort Randall, and Gavins Point in South Dakota, and Garrison in North Dakota. Though predating the Act, Fort Peck Dam in Montana was integrated into the overall management system. These infrastructure projects created vast reservoirs and fundamentally reshaped the region's environmental, social, and economic landscapes. Initially intended to provide extensive flood control, improve navigation, enable widespread irrigation, and generate affordable hydropower, these promises were later expanded and significantly raised regional expectations.

The actual outcomes, however, were mixed. While hydropower production dramatically exceeded initial projections, upper basin states like South Dakota received disproportionately low shares of this benefit. Flood control proved essential yet primarily benefited downstream regions, often leaving upper basin communities, particularly Native American populations, severely impacted by the inundation of over one million acres of prime agricultural land, cultural sites, and established communities. Native American tribes suffered especially deep losses of ancestral lands and water rights, with entire communities displaced and culturally significant sites destroyed. These impacts profoundly altered traditional ways of life, regional economies, and the ecological balance of the Missouri River basin.

Promised large-scale irrigation projects, such as the Oahe and Garrison Irrigation Projects, largely failed to materialize, significantly limiting anticipated economic gains. South Dakota, in particular, was promised 972,510 acres of irrigation, equivalent to approximately 622.4 billion gallons of water per year, but is currently utilizing only 24,100 acres, or roughly 15.4 billion gallons annually. Consequently, South Dakota is missing out on approximately 607 billion gallons of water yearly, or about 1.66 billion gallons per day – utilizing only about 2.5% of the initially promised water.

Hydropower benefits similarly underscore the inequities. Although production capacity has grown to over 2,600 MW, South Dakota receives just 2.5% of the power generated, despite enduring significant environmental and social costs. Compounding these disparities, Missouri River flows today support Mississippi River navigation – an unauthorized function under the Pick-Sloan Act. Though commercial barge traffic above Sioux City has virtually ceased, the Missouri contributes nearly half of the Mississippi's flow near St. Louis, enabling robust downstream commerce that benefits states never intended as primary recipients of Pick-Sloan's promises.

Water supply benefits under Pick-Sloan, intended for municipal, commercial, industrial, irrigation, public, and domestic uses, also exhibit striking regional disparities. Despite having only 3% of river intakes, South Dakota serves a substantial population of 248,692 people, thanks to large drinking water projects such as WEB, Mid-Dakota, Mni Wiconi, and Lewis & Clark. Comparatively, Montana has 5% of intakes serving 114,857 people, and North Dakota has 3% serving 89,172 people. However, the downstream states of Nebraska, Iowa, Missouri, and Kansas collectively control 89% of all river intakes, benefiting a much larger population of 2,884,040 people. This distribution clearly illustrates a disproportionate advantage favoring downstream states.

Despite these shortcomings, South Dakota realized notable benefits. Reservoirs created by the dams have become prime destinations for recreation and tourism, significantly contributing to the state's economy. Today, recreation and tourism rank just behind agriculture as South Dakota's largest industry. Additionally, major municipal and industrial water supply projects – including WEB, Mni Wiconi, Mid-Dakota, and Lewis & Clark – have provided crucial water infrastructure. These systems were heavily subsidized by federal investments, making essential water access affordable in areas that would otherwise face unsustainable drinking water rates.

Nevertheless, the damages sustained by upper basin states remain unresolved. More than one million acres were inundated, eliminating valuable agricultural lands, displacing families, and devastating local communities and tribal nations. Environmental consequences were severe, disrupting ecosystems, accelerating erosion and siltation. While the federal government promised to compensate these losses through multiple project benefits, the scale of fulfillment has fallen far short of original commitments.

South Dakota's unmet promises are formally acknowledged in SDCL 46A-15-5, which mandates federal action to address over \$1.1 billion (1988 \$) in economic damages, the loss of nearly a million acres of irrigation potential, and over half a million acres of inundated land. Yet, federal action has been consistently delayed, hindered in part by a "divide and conquer" strategy that historically pitted upper basin states and stakeholders against one another. Internal discord during the Oahe Project's development allowed the Carter Administration to defund it in the 1980s – though legal deauthorization was blocked by Senator Tom Daschle, preserving the federal obligation.

Efforts to reframe the issue around "cost recovery" further fractured potential alliances, especially with Public Power entities like municipalities and rural electric cooperatives. These groups resist cost-shifting strategies that would force them to shoulder unrecovered irrigation debts or increased power costs for benefits they were never intended to fund. The original legislative intent was for irrigation users – not power customers – to repay associated costs. As such, Public Power must be included in solutions, not burdened by them.

The path forward depends entirely on a coordinated, strategic alliance. The upper basin states – South Dakota, North Dakota, and Montana – must act together, embracing a shared vision and presenting a unified voice in demanding overdue federal action. Fragmentation has long undermined progress; only deliberate and disciplined collaboration will succeed. At the same time, Public Power entities must be recognized not as adversaries or funding sources, but as essential partners. Their cooperation is not merely helpful – it is indispensable. Without Public Power on board, any movement toward equitable compensation risks collapse under the weight of internal opposition and political inertia.

Success requires a mutual commitment to regional solidarity – one that clearly separates rightful compensation from unjust cost shifting, and one that positions the federal government, not the ratepayer, as the responsible party for decades of unmet obligations. Federal appropriations, not backdoor surcharges or reallocated revenues must fund any resolution.

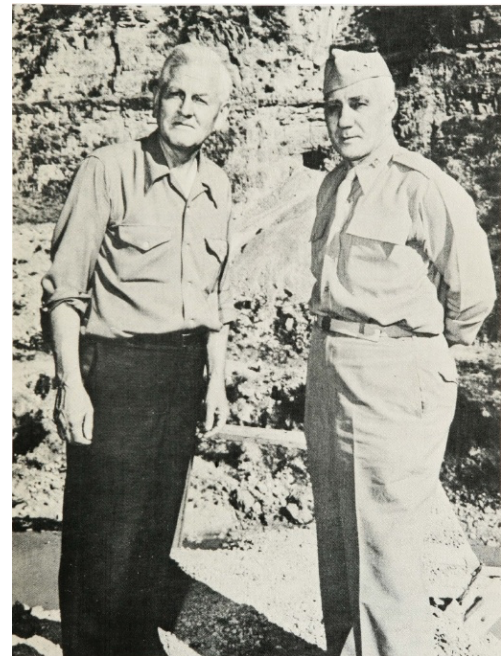
Real fulfillment of Pick-Sloan's promises demands adapting to modern needs while honoring historical obligations. The region's focus has gradually shifted toward sustainable water supply, environmental stewardship, tribal justice, and climate resilience. Projects like WINS, Western Dakota, future Lewis & Clark expansions, and the Dakota Mainstem Regional Water System reflect these emerging priorities. Funding these efforts remains a challenge, but fulfilling long-overdue compensation can provide the necessary resources.

Ultimately, **without unity among upper basin states and cooperation from Public Power**, the full promise of the Pick-Sloan Flood Control Act will remain unfulfilled. But with alignment, strategy, and a collective voice, the region can transform historical inequity into a foundation for future prosperity – one that is just, durable, and responsive to modern economic, ecological, and human realities.

THE PICK-SLOAN FLOOD CONTROL ACT – 1944 PROMISES MADE ...

Genesis

The Pick-Sloan Flood Control Act of 1944, hereinafter referred to simply as “Pick-Sloan,” emerged at a pivotal juncture in American history. This significant piece of legislation was born out of necessity, shaped by competing visions for harnessing and managing the mighty waters of the Missouri River.



William Glenn Sloan (L)
Colonel Lewis A. Pick (R)

The Act represented a critical compromise between two distinct and often opposing plans proposed by prominent figures of the era: Colonel Lewis A. Pick of the U.S. Army Corps of Engineers and William Glenn Sloan of the U.S. Bureau of Reclamation. Colonel Pick’s vision for the river emphasized flood control and navigation improvements designed to mitigate the recurrent and devastating floods that had long plagued the river basin. Sloan’s plan, contrasting sharply with Pick’s, emphasized extensive irrigation and power generation, aiming to stimulate agricultural development and bolster regional energy production.

The contentious relationship between Pick and Sloan was no secret; each man staunchly believed that his approach was superior and most beneficial for managing the Missouri River, often referred to as the "Mighty Mo" and sometimes the “Muddy Mo.” However, external circumstances forced a reluctant reconciliation. The year was 1944, and World War II raged on. Flooding along the Missouri River posed a significant threat, notably when an early-1940s flood substantially damaged crucial U.S. military

installations. Continued flooding could severely disrupt military logistics and operations, a threat that President Franklin Delano Roosevelt (FDR) recognized would become a critical vulnerability in the nation's war efforts.

Understanding that another catastrophic flood could severely damage American military preparedness, President Roosevelt decisively intervened. He instructed Colonel Pick and William Sloan to set aside their professional rivalry and merge their disparate visions into a unified, effective solution. He demanded swift action to safeguard national security at a time when the stakes could not have been higher.



President
Franklin Delano
Roosevelt
(FDR)

Thus, in a "shameless and loveless marriage," as history might characterize their collaboration, Pick and Sloan dutifully combined their proposals into a single, albeit imperfect, plan. This compromise ultimately culminated in Public Law 78-534 – the Pick-Sloan Flood Control Act of 1944. Through necessity rather than harmony, these competing visions were synthesized, forever altering the management of the Missouri River and setting the stage for future debates over flood control, irrigation, navigation, power generation, and other beneficial uses for the river in America's heartland.

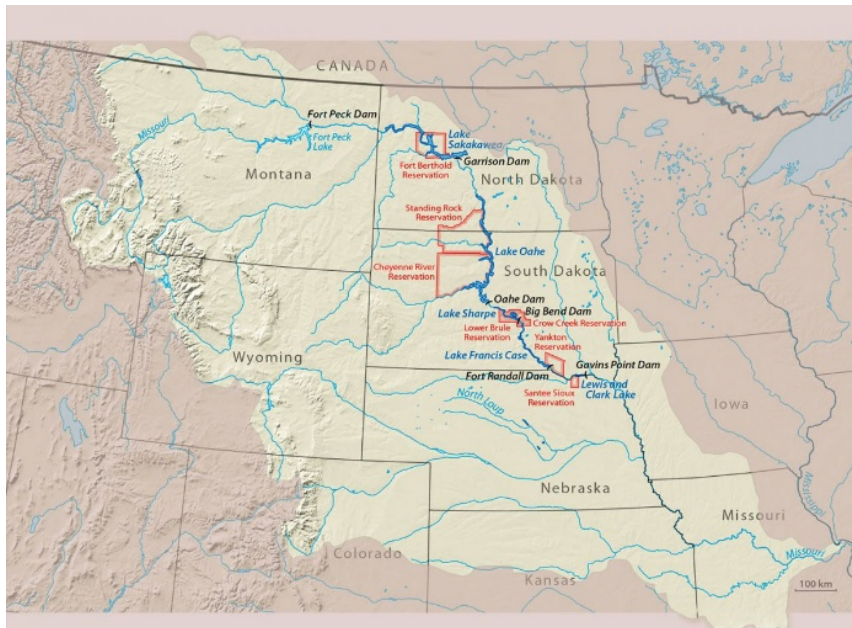
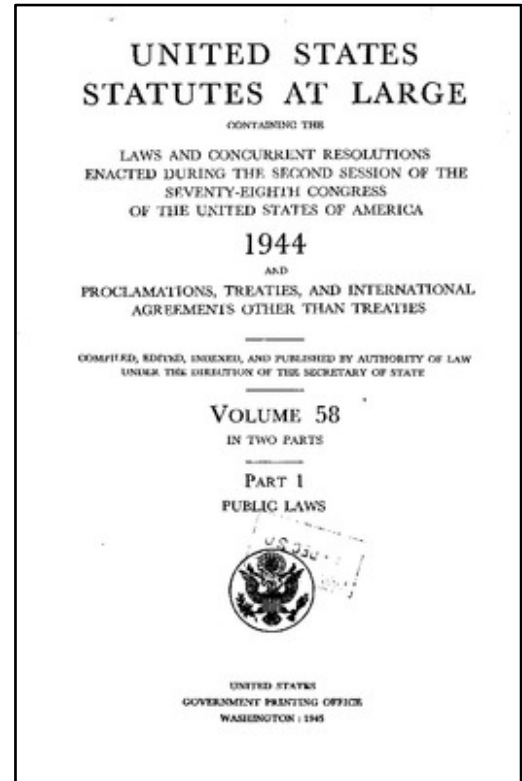


Flooding on the Missouri River Circa 1943

What the Act does

The Pick-Sloan Flood Control Act of 1944, formally identified as Public Law 78-534, represents a comprehensive legislative framework designed to address several critical water resource management issues simultaneously. At its core, the Act authorized the construction of numerous dams and levees across the western United States, significantly altering the nation's landscape and water management practices.

A primary feature of the Pick-Sloan Act is the authorization of five major dams along the mainstem of the Missouri River, creating expansive reservoirs essential for water management. Within South Dakota, these dams include Oahe Dam, forming the Oahe Reservoir; Big Bend Dam, creating Lake Sharp; Fort Randall Dam, establishing Lake Francis Case; and Gavins Point Dam, resulting in the Lewis & Clark Reservoir. North Dakota saw the construction of the Garrison Dam, creating Lake Sakakawea. Additionally, the Fort Peck Dam (and the Fort Peck Reservoir) in Montana, although constructed before the passage of the Act, was integrated into the overall Pick-Sloan reservoir management system.



Map of the Missouri River Basin

Beyond infrastructure development, the Pick-Sloan Act granted the federal government authority to manage the extensive water reserves within these reservoirs comprehensively. Initially, the reservoirs' water resources were allocated specifically for flood control, navigation enhancement, irrigation support, and hydropower generation. These

purposes were intended to balance economic growth with environmental and public safety considerations.

Over subsequent decades, the authorized purposes of these dams and reservoirs expanded considerably, reflecting evolving societal priorities and environmental awareness. Amendments added water supply management, water quality enhancement, recreational opportunities, and the protection and propagation of fish and wildlife habitats to the federally mandated management objectives list.

AUTHORIZED PURPOSES OF PICK-SLOAN
FLOOD CONTROL
NAVIGATION
HYDROELECTRIC POWER GENERATION
IRRIGATION
WATER SUPPLY
RECREATION
WATER QUALITY
FISH & WILDLIFE

In addition to the prominent mainstem dams, the Pick-Sloan Act facilitated the construction of numerous smaller dams on tributaries throughout the Missouri River Basin. These smaller dams were instrumental in supporting agricultural communities by providing irrigation to approximately 4.8 million acres of drought-prone land. This extensive irrigation network significantly mitigated the harsh effects of drought conditions, enhancing agricultural productivity and stabilizing regional economies.

In sum, the Pick-Sloan Flood Control Act of 1944 implemented a multifaceted approach to water resource management, profoundly reshaping the Missouri River Basin's environmental, economic, and social landscapes and beyond.

Promises

The Pick-Sloan Flood Control Act of 1944 was enacted amid profound promises and considerable expectations, designed to fundamentally reshape water management and alter the physical and socio-economic landscape of the Missouri River Basin. Central to the Act was constructing large-scale earthen dams along the Missouri River, a decision destined to dramatically and permanently alter the environment and regional infrastructure. The magnitude of this undertaking came with significant sacrifices: hundreds of thousands of acres of rich, fertile bottomland were deliberately inundated, affecting homesteads, established communities, and sacred burial sites. *The Native American populations residing in these areas bore significant sacrifices, facing severe and lasting consequences to their cultural, economic, and social lives.*

THE NINE TRIBES OF SOUTH DAKOTA

- Chyenne River
- Crow Creek
- Flandreau
- Lower Brule
- Oglala
- Rosebud
- Sisseton Wahpeton
- Standing Rock
- Yankton

Acknowledging these profound losses, the federal government assured stakeholders along the river basin that substantial compensatory benefits across numerous critical areas would offset these dramatic changes. Paramount among these promises was comprehensive flood control. Historically, the Missouri River had inflicted catastrophic flooding, with recurring floods wreaking extensive financial havoc on the basin's communities. Such flood damages, particularly disruptive during World War II, impeded essential wartime industries and logistics, resulting in billions of dollars in modern-day disaster recovery costs. Pick-Sloan was envisioned as a definitive solution, promising substantial flood protection and stabilizing the river's volatile behavior, thus safeguarding infrastructure, agriculture, and urban centers.



Barge traffic on the Missouri River

Navigation was another crucial element of the Act's commitments. The federal government pledged that creating dams and reservoirs would bolster, rather than diminish river navigation and barge traffic. The Missouri River had been a significant commercial artery for decades, and maintaining this economic lifeline was critical to stakeholders. The Pick-Sloan dams and their

operational frameworks were thus structured explicitly to support and enhance commercial navigation, ensuring sustained economic vitality.



Unfinished Oahe Irrigation Canal

Integral to Pick-Sloan was the promise of expansive irrigation systems that would revolutionize agricultural productivity in the basin. Plans incorporated both smaller tributary dams and the more ambitious, large-scale mainstem impoundment reservoirs. The two most prominent projects, the **Oahe Irrigation Project** in central and eastern South Dakota and the **Garrison Irrigation Project** in North Dakota, were each ambitiously forecasted to irrigate

approximately (\pm) one million acres. These expansive irrigation systems represented transformative potential, promising agricultural stability, increased productivity, and economic growth throughout the basin.

Hydropower generation formed another cornerstone promise of the Pick-Sloan plan. Initially projected to produce approximately 2.5 megawatts of power, the output greatly exceeded expectations. The program's Eastern Division alone has an impressive

capacity of roughly 2,610 megawatts. This abundant and affordable power generation promised to significantly benefit regional industries, homes, and communities, contributing significantly to regional economic development.



Oahe Dam Powerhouse near Pierre, SD – Note the Oahe Irrigation Pumphouse to the right. Construction on the facility had started before being halted in the late 1970s

The Act also recognized Fish & Wildlife conservation, recreation, and municipal water supply as beneficial purposes. Initially, these aspects received comparatively lower attention. However, as regional priorities

evolved, these purposes gained increasing prominence, becoming essential contemporary benefits that were not fully appreciated at the Act's inception. Notably, in recent decades, municipal and industrial water supply has become critically important in the upper basin, underscoring the ongoing evolution and realization of the Act's original promises.



Fishing on Lake Oahe

The Pick-Sloan Flood Control Act promised transformative regional benefits, spanning flood control, navigation enhancement, large-scale irrigation, abundant hydro-power, and improved water supply and recreational opportunities. These assurances were made in exchange for significant sacrifices by the region's stakeholders, laying down a foundation of expectations that have shaped the basin's development and continue to affect its future.

Damages

Implementing the Pick-Sloan Flood Control Act of 1944 profoundly reshaped the Missouri River basin's physical and socioeconomic landscape. Over one million acres of valuable land were submerged due to the construction of mainstem dams, resulting in the irreversible loss of prime agricultural acreage, numerous homesteads, entire communities, culturally significant burial grounds, and vital natural resources. The inundation displaced families, disrupted established communities, and drastically altered the region's cultural and ecological fabric.

Native American tribes suffered particularly severe impacts, experiencing significant losses of ancestral lands and water rights. Communities historically and culturally connected to these lands were abruptly deprived of critical natural and cultural resources, profoundly affecting their way of life and economic stability. Additionally, substantial environmental consequences arose from altering the river's natural flow, severely impacting fish and wildlife habitats and disrupting regional biodiversity.

In exchange for these sacrifices, the federal government promised various compensatory benefits, including irrigation, power generation, flood control, recreation, municipal and industrial water supplies, and conservation efforts. While some benefits, notably flood control, recreation, and improved municipal and industrial water supplies, have been realized, these fall markedly short of adequately addressing the



Irrigating corn on a "pivot" system

damage incurred. For instance, irrigation – a cornerstone promise intended to foster agricultural productivity and economic prosperity – remains significantly unrealized. Projects such as the Oahe and Garrison Irrigation Projects were largely defunded or deauthorized, severely limiting anticipated economic growth. South Dakota, promised irrigation coverage of 972,510 acres (approximately 622.4 billion gallons of water annually), currently utilizes only 24,100 acres (about 15.4 billion gallons), thus receiving merely 2.5% of the promised irrigation benefits.

Hydroelectric power generation significantly surpassed initial expectations, with capacity expanding from a planned 2.5 MW to over 2,600 MW today. Yet, upper basin states,



240 KV Transmission lines

which bore the brunt of associated environmental, economic, and social costs, receive only a fraction of the power produced. For example, South Dakota obtains merely 2.5% of the hydroelectric power generated. This raises ongoing questions about

equitable compensation, given the disproportionate distribution of burdens and benefits.

The benefits of water supply also demonstrate stark regional disparities. South Dakota serves approximately 248,692 people with only 3% of river intakes, supported by large drinking water projects like WEB, Mid-Dakota, Mni Wiconi, and Lewis & Clark. In comparison, lower basin states control 89% of river intakes, benefiting nearly 2.9 million people. Flood control benefits similarly favor downstream states due to higher population densities and land values.

Downstream beneficiaries incur no direct costs, whereas upper basin states have continually endured significant sacrifices. The historic flooding in 2011 highlighted this imbalance, as reservoir management decisions led to unprecedented flooding in Pierre, South Dakota, exemplifying the ongoing hardships faced by upper basin communities.



Water being released from the Oahe dam, flooding Pierre, SD.

Compensation mechanisms to address these inequities are crucial. Fair remuneration for flood control and hydroelectric power benefits should reflect the substantial sacrifices of upper basin states, funded directly by the federal government rather than through increased power rates or reduced preference power allocations to rural electric cooperatives and municipal governments.

Critically, Missouri River management has increasingly supported Mississippi River navigation – an outcome explicitly absent from the authorized purposes under the Pick-Sloan Flood Control Act. Although barge traffic once flourished on the Missouri River, today commercial navigation is minimal, primarily limited to sporadic activity between

**THE UNITED STATES FEDERAL GOVERNMENT
PAYS 100% OF ALL COSTS FOR FLOOD CONTROL
AND NAVIGATION ON THE MISSOURI RIVER.**

Kansas City and St. Louis. Above Sioux City, Iowa, commercial barge traffic is virtually nonexistent, with river management priorities shifting toward recreation, ecological conservation, irrigation, flood control, and hydropower.

However, the Missouri River's flows remain essential for Mississippi River navigation, especially during droughts, providing approximately 45% of the Mississippi's flow near St. Louis. This indirectly supports significant downstream economic activities, including the transport of agricultural goods, petroleum, coal, and industrial products, despite such support never being an authorized function of Pick-Sloan.

Upper Basin states are thus justified in challenging the unofficial management practices that support Mississippi River navigation. Recognizing and quantifying these downstream economic benefits is a crucial step toward achieving equitable distribution and compensation. Addressing this imbalance could redirect resources toward upper basin priorities, aligning river management practices with the original equitable intentions of the Pick-Sloan Flood Control Act.

STATE	FLOOD PREVENTION (\$MILLIONS)
IOWA	\$ 102.84
KANSAS	\$ 12.81
MISSOURI	\$ 105.31
NEBRASKA	\$ 77.38
MONTANA	\$ 2.95
NORTH DAKOTA	\$ 72.40
SOUTH DAKOTA	\$ 41.12
TOTAL	\$ 414.83

Fulfilment:

The Pick-Sloan Flood Control Act of 1944 promised extensive benefits to the upper Missouri River basin states, particularly through flood control, navigation, irrigation, hydropower generation, water supply, and recreation. Over the ensuing decades, some aspects of this vision have materialized within South Dakota. However, the Act's priorities have undergone profound shifts driven by evolving societal values, increased environmental awareness, changing economic conditions, and shifting political influences.

Initially, the Act prioritized flood control, navigation, and hydropower generation, responding directly to the devastating floods that had historically impacted the region. The construction of mainstem dams such as Oahe, Garrison, Fort Randall, Big Bend, and Gavins Point significantly advanced these aims, providing reliable flood management and low-cost electricity essential for industrial growth and rural electrification. While the 2011 floods on the Missouri River highlighted ongoing vulnerabilities, the continued significance of flood control measures remains broadly recognized.

Over the subsequent decades, recreation and tourism emerged as prominent benefits, bolstered by the creation of expansive reservoirs that offered outstanding fishing, waterfowl hunting, and other outdoor recreational opportunities. Today, recreation and tourism related to the Missouri River reservoirs rank just behind agriculture in South Dakota's economy, attracting thousands of visitors annually and significantly contributing to regional prosperity.

RANKING OF INDUSTRIES IN SOUTH DAKOTA

#1 AGRICULTURE

#2 TOURISM

Municipal and industrial water supply projects have likewise delivered substantial benefits to South Dakota. Major projects and initiatives, such as the WEB Water Development Association, the multi-tribal Mni Wiconi project, the Mid-Dakota Rural Water System, and the Lewis & Clark Regional Water System, represent considerable federal investments, ranging from \$108 million to over \$800 million. These projects have substantially improved water access, leveraging federal grant funding (75-80%) to make services affordable for communities that otherwise would face prohibitive water rates.

WATER PROJECT	YEARS TO CONSTRUCT	APPROXIMATE COST
WEB	8	\$ 110,000,000
MID-DAKOTA	12	\$ 160,000,000
MNI WICONI	20	\$ 480,000,000
LEWIS & CLARK	35	\$ 825,000,000
TOTAL		\$ 1,575,000,000*

**It is essential to recognize that specific costs, particularly those involving tribal nations or states traditionally outside Bureau of Reclamation jurisdiction, should be viewed distinctly from general Pick-Sloan obligations due to unique trust responsibilities and jurisdictional contexts.*

Throughout the 1970s and 1980s, environmental stewardship and recreational developments gained emphasis as ecological consciousness rose, and societal values shifted. The subsequent decades brought increased focus on tribal justice, acknowledging severe losses of economic resources, cultural heritage, and ancestral lands due to reservoir inundation. More recent decades have highlighted the importance of climate resilience and equitable resource management, prompted by growing concerns about drought, extreme weather events, and climate variability. While hydropower remains vital, diversification through renewable energy sources is reshaping the regional energy landscape.



Looking forward, South Dakota continues to prioritize ambitious water resource projects, including the **Water Investment in Northern South Dakota (WINS)**, the **Western Dakota Regional Water System**, potential **Lewis & Clark Regional Water System** expansions, and the **Dakota Mainstem Regional Water System**. Funding remains a significant challenge, underscoring the necessity for equitable compensation from past damages under the Pick-Sloan Act to support ongoing and future infrastructure projects.

Overall, the evolution of the Pick-Sloan Act priorities – from infrastructure-intensive irrigation endeavors toward municipal and industrial water supply, sustainable management, environmental stewardship, recreation, and equitable distribution of benefits – reflects broader economic, ecological, and societal transformations. Realigning these priorities with contemporary realities will ensure the fulfillment of remaining obligations and strengthen future investments, thereby achieving a balanced approach that is responsive to modern economic, social, and ecological needs.

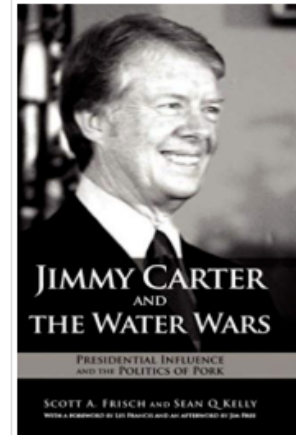
Collaboration:

81 Years

1944 ←

→ 2025

After eighty-one years, it is abundantly clear that the federal government is in no rush to fulfill the promises outlined by the Pick-Sloan Flood Control Act of 1944 – especially those obligations specifically owed to South Dakota and other upper basin states. Despite arguments that these states should abandon persistent claims after eight decades, Public Law 78-534 remains active, and its authorizations and obligations are legally binding. The passage of time alone does not diminish the legitimacy of these claims, nor does waiting facilitate their resolution.



President Jimmy Carter – Water Project “hit list”

Historically, a "divide and conquer" strategy has consistently undermined united action among the upper basin states. In the





Senator Tom Daschle

1970s, during the development of the Oahe Irrigation Project, the Carter Administration targeted multiple water projects for defunding or deauthorization. Internal divisions within South Dakota, stemming from local opposition to large-scale irrigation, significantly contributed to this federal withdrawal, resulting in the suspension of the Oahe Project by the early 1980s. Subsequent attempts to formally deauthorize the Oahe Project were thwarted, notably

by Senator Tom Daschle's efforts, leaving the project defunded but legally intact. This crucial distinction preserves recognition of ongoing federal obligations under the Pick-Sloan Act.

Acknowledging these unresolved obligations, South Dakota codified its commitment to securing compensation through SDCL 46A-15-5 in 1988. The statute mandates prompt state and federal action to settle damages and unmet promises, including compensation for over 530,000 acres of inundated land, nearly 972,000 acres of unrealized irrigation potential, environmental and erosion damages, and economic losses exceeding \$1.1 billion (1988 \$). Despite statutory clarity, the South Dakota Department of Agriculture & Natural Resources' (SD DANR) attempts to quantify these damages became divisive, transforming into a contentious "cost recovery" debate.

The term "cost recovery" has particular implications, especially for public power entities such as rural electric cooperatives and municipal governments. Originally, Pick-Sloan intended irrigation beneficiaries to repay associated debts. However, lacking substantial



SDCL 46-A-15-5

SDCL 46A-15-5: Settlement of state claim relating to Pick-Sloan Missouri Basin Program authorized--Damages and obligations enumerated.

The state shall proceed as quickly as possible to enact and implement at the state and federal levels a settlement, under §§ 46A-15-5 to 46A-15-14, inclusive, of South Dakota's claims resulting from damages and unfulfilled federal obligations to South Dakota relating to the Pick-Sloan Missouri Basin Program created by the Congress of the United States in the 1944 Flood Control Act. The damages and obligations include, but are not limited to, the loss of nearly five hundred thirty thousand acres of land inundated in South Dakota by four Pick-Sloan dams constructed in South Dakota, failure of the federal government to honor its commitment to develop nine hundred seventy-two thousand acres of Pick-Sloan irrigation in South Dakota, a grossly inequitable distribution of Pick-Sloan benefits and costs among the states of the Missouri Basin, significant environmental and bank erosion damages caused by the construction and operation of the Pick-Sloan dams, the loss to South Dakota's economy of more than one billion one hundred million dollars in foregone economic activity because of the removal from production of inundated lands, and the loss of future opportunity for development by the state of the resources of the Missouri River.

irrigation development, these debts lingered, transferring financial burdens inadvertently to Public Power when preference power initially intended for irrigation was reassigned. Consequently, Public Power interests strongly resist these imposed financial responsibilities, creating friction between power interests and other stakeholders pursuing federal accountability.

Effective resolution of the inequities created by the Pick-Sloan Flood Control Act demands a unified, coordinated approach among upper basin states – South Dakota, North Dakota, and Montana – **AND** Public Power interests. Historically fragmented advocacy efforts have allowed "divide and conquer" strategies to undermine regional positions, impeding fair compensation and equitable treatment. The shared economic, cultural, environmental, and social impacts resulting from dam constructions necessitate collective action. A unified voice among the upper basin states strengthens their negotiating position, compelling the federal government to address decades-old inequities meaningfully.

Equally critical is engaging Public Power interests, ensuring their participation without imposing unjust financial obligations. Public Power must be assured that compensation for historical and ongoing damages from Pick-Sloan will not be derived from increased

power rates or revenues. Such an approach would merely shift burdens rather than resolve regional inequities. Instead, the federal government should directly bear responsibility for compensation, consistent with established precedents where navigation and flood control along the Missouri River receive direct federal subsidies.

Direct appropriations from the federal treasury – not shifting burdens onto power generation and distribution – represent the equitable and historically consistent method of addressing longstanding grievances. This approach maintains regional unity, fairness among stakeholders, and aligns with historical federal practices on the Missouri River, ultimately fostering effective and just collaboration among upper basin states and Public Power interests.