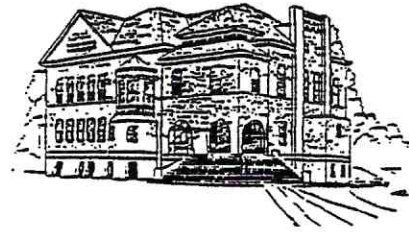


Wells County Water Resource District

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Written Testimony by Philip Hoff
Wells County Farmer & Wells County Water Resource District Manager
Senate Bill 2208
Senate Agriculture Committee January 28, 2021; 10:30 a.m.

Chairman Luick & Senate Agriculture Committee Members:

My name is Philip Hoff. I am a lifelong farmer in Wells County. I utilize drain tile on my farm to manage water and improve my farming operation. I am also a Manager on the Wells County Water Resource District Board. I am here today to provide testimony in opposition to Senate Bill 2208.

In short, Senate Bill 2208 creates unreasonable hurdles for investment in drain tile and creates unreasonable hurdles for our water board's ability to effectively and efficiently manage and operate assessment drains. Assessment drains serve as important managed and controlled outlets for private drainage tile investments. Although no project ever receives 100 percent support from the assessment district that pays for a bulk of the costs, by and large the management and operation of assessment drains provides an effective outlet that reduces most downstream disputes.

The Wells County Water Board operates 8 assessment drains. These drains have allowed public and private surface and tile drain projects to make agricultural and urban land more productive, increase water storage in soil profiles, increase agriculture production yields, and protect roadways from flooding. Wells County experienced multiple 600-year rainfall events in 2019 which devastated farm land and roadways. Robust assessment drain infrastructure would have lessened the burden of that devastation on farmers and taxpayers. The ability to upgrade and improve assessment drains to meet these challenges is necessary for our county.

I understand that the varying procedures for assessment projects found in the Century Code can be confusing at times. We appreciate efforts to align, organize, and simplify those procedures. To help landowners, we endeavor to provide as much information as we can about all of our projects. While SB 2208 is being promoted as trying to meet these efforts, we believe certain provisions of this bill go much further and are a backwards step for progressive water management.

Here are some examples of provisions that cause concern for water management in Wells County:

- 1. SB 2208 limits a water board's ability to address assessment drain improvements without first conducting a landowner assessment vote.**

We understand the bill sponsor's concerns about using annual maintenance assessments to completely overhaul a project. However, many of our drains have been impacted by abnormal flood events in recent years that have changed the watershed and original design needs. Some changes to the original design are as simple as upgrading a road crossing to

meet current stream crossing standards or watershed needs. The cost of conducting a landowner assessment vote could, in some instances, more than double the cost of a reasonable drain improvement.

What happens if the landowners vote not to improve a stream crossing to meet current standards and a landowner is flooded by the undersized crossing? Will water resource districts be liable when landowners have rejected an improvement to the drain?

Drain design has improved since some of our assessment drains were first constructed. Modifications to a drain's profile can come at a low cost with great economic and environmental benefits. Reducing erosion has an environmental benefit to water quality and an economic benefit to reducing the frequency of repairs to remove sediment. SB 2208 would create an extra hurdle to making these low cost, highly beneficial changes.

2. **SB 2208 creates confusion over some aspects of current water code that are not unclear. One example is over appeals.** Section 1 requires appeals of drain permits to the state engineer to be conducted by the Office of Administrative Hearings. However, section 38 states that denied permits are appealed to district court for record review. We do not support changing the appeals procedures in existing law for permits or any water board orders.
3. **SB 2208 repeals the permitting exclusion for drain tile projects that comprise less than 80 acres.** I've seen the benefits of drain tile on my own farm operation and our District has seen the benefits of drain tile to farmers, roadways, and other infrastructure. Drain manages retention of water in soil profile and, especially when compared to surface drainage, reduces and controls runoff. We do not support requiring permits for tile projects of less than 80 acres, especially when S.B. 2208 maintains the exclusion for surface drains of a watershed of less than 80 acres.

The Wells County Water Resource District would like to see this bill's sponsors work more closely with water districts from all areas of the state to align and clarify assessment project procedures without hamstringing the ability to address reasonable assessment drain improvements.

This concludes my testimony in opposition to SB 2208. I will stand for any questions from the committee.