

Testimony of Derrick Braaten on behalf of
Red River Valley Water Supply Project Landowners
as Neutral to
SENATE BILL NO. 2020
Senate Appropriations Committee – Education and Environment Division
January 19, 2023

My name is Derrick Braaten, and I am an attorney in Bismarck and owner of Braaten Law Firm. My law practice is focused on representing farmers and ranchers, and other landowners. I am submitting this testimony on behalf of a group of landowners who are being forced into eminent domain lawsuits by Garrison Diversion for the Red River Valley Water Supply Project. I submitted testimony and information on these issues to the Interim Water Topics Committee on September 20, 2022.

My clients are not opposed to the State Water Commission's budget, but we have serious concerns about allocations that will be used to fund the Red River Valley Water Supply Project. Based on testimony from Andrea Travnicek, Garrison Diversion is requesting \$170 million out of this budget for the Red River Valley Water Supply Project (*See*, page 28 of Andrea Travnicek testimony, Doc. No. 12872 and page 10 of Andrea Travnicek testimony, Doc. No. 12931).

My clients are being forced to choose between defending a condemnation action, or accepting compensation for an easement that was set at property rates in 2009 and has never changed, and more importantly, these landowners are being asked to negotiate an easement without knowing who will actually own and be liable for the pipeline once it is built. My clients are asking the State of North Dakota to accept ownership and liability for this pipeline upon completion. This is a significant public works and earthworks project, and the landowners are being asked to negotiate their grandchildren's liability without knowing who will actually own the pipeline and be responsible for reclamation and abandonment.

Please condition any further funding of the Red River Valley Water Supply Project on the State of North Dakota accepting liability and ownership of the pipeline and ensuring that landowners are not being prevented from negotiating a fair agreement for fair compensation without being sued by Garrison Diversion as is happening now. Garrison Diversion paused these proceedings after our prior presentation in September, but has indicated it is now recommencing eminent domain proceedings against these landowners because it refuses to negotiate on the compensation it set back in 2009.

Thank you,



Derrick Braaten

*Attorney/lobbyist for Fred Richter,
Larry Rexine, and Red River Valley
Water Supply Project landowner group*