

**Testimony by Gary Thompson  
Chairman - Red River Joint Water Resource District**

**Before the Senate Agriculture Committee  
In Opposition to SB 2208**

**North Dakota Legislature  
67th Legislative Assembly  
Bismarck, North Dakota  
January 28, 2021**

Chairman Luick, Vice-Chair Myrdal, and members of the Committee, I appreciate the opportunity to testify before you today in opposition to SB 2208. My name is Gary Thompson, and I am the Chairman of the Red River Joint Water Resource District, a joint board comprised of 14 individual water boards in the Red River Valley. While we appreciate the idea of combining and “cleaning up” the various drainage chapters in the Century Code, this bill goes further than that in some areas. This is a major overhaul of drainage law and we hope the Committee will take the time to consider the potential consequences of *all* of the changes proposed under this bill. In its current form, SB 2208 is an anti-drainage bill and, as a result, it is an anti-agriculture bill. We respectfully urge a Do Not Pass on SB 2208. Alternatively, you may consider recommending that this bill become an interim study. Again, this is a major overhaul of drainage law and really should be studied in more detail to ensure there are no unintended consequences.

**Legal Assessment Drains**

In the Red River Valley, drainage is a lifeline for farmers. Legal assessment drains are absolutely crucial for farmers in our part of the state. Legal drains are outlets for surface runoff

for farmers, and they are outlets for tile drainage. Unfortunately, Section 32 of this bill would make it difficult to keep these outlets functional.

Section 32 of the bill would really prevent water boards from properly operating and upgrading legal drains. This section would require a lengthy and expensive “assessment vote” for anything besides sediment removal, or anything beyond returning a drain to its “original design.”

Many of the legal drains in the Red River Valley were built many decades ago, some by the NRCS. This bill would prevent water boards from ensuring that these old drains function properly under today’s conditions. Consider this example:

- A culvert into a legal drain provides drainage for an adjacent farmer.
- The culvert under the “original design” is a 24” culvert (has been for 40 years).
- The 24” culvert is now too small and, as a result, drainage does not get off of this farmer’s land for weeks.
- Water is backing up on this farmer’s land, and he cannot plant some acres due to slow spring run-off through this culvert.
- The farmer loses many additional acres to summer rain events due to slow drainage through this culvert.
- The water board wants to replace the 24” culvert with a 36” culvert to help this farmer.
- Under Section 32 of this bill, the water board could not replace the 24” culvert with a 36” culvert without going to an assessment vote of the entire assessment district because the “original design” calls for a 24” culvert.

If a farmer needs drainage relief today, because of Section 32, they will not get it. These assessment votes take time and cost taxpayers money unnecessarily. This may not have been the intent of the bill sponsors, but that’s exactly what SB 2208 would do. The bottom line is Section 32 of this bill makes no sense; if a farmer needs drainage relief, they need it now, not in 6 months.

Section 32 is anti-drainage and we ask that you remove the “maintenance” language in that Section.

### **Snagging and Clearing**

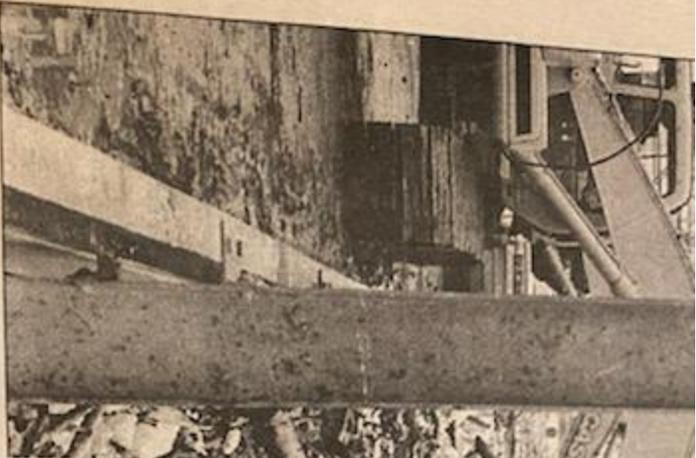
Section 7 of this bill would eliminate snagging and clearing districts. These are one-time districts to fund the clean-up of rivers and natural watercourses that are full of silt, debris, and trees. The maximum assessment is \$0.50 per acre, and can only be assessed for one year, an important, temporary, and inexpensive tool for cleaning rivers full of sediment. Clogged rivers flood adjacent properties and slow down drainage; landowners appreciate these districts because they are temporary and they provide instant relief. This bill eliminates that option; instead, water boards would have to go through a lengthy assessment district process to create a permanent assessment district, which would result in landowner taxes every year, with no \$0.50/per acre limit. Or, landowners would have to simply deal with rivers and watercourses full of silt, cattails, and trees. See the article and pictures on the last page of my testimony to get an idea of what happens without snagging and clearing.

### **Do Not Pass on SB 2208**

Again, we support the idea of “cleaning up” the various drainage chapters in the Century Code. However, this bill goes well beyond a mere “clean up” and really would result in anti-drainage law at a time when we need better drainage for our farmers.

We strongly oppose SB 2208 in its current form, and we respectfully urge a Do Not Pass.

Thank you for your consideration.



The magnitude of the ice and log jam that occurred at the Nielsville bridge early this week is shown in the photo at right, as the jam extended for several hundred yards downstream.

In the photo above, a trackhoe from Polk county in Minnesota works on the huge and thick ice and log jam in the background of the photo, while another trackhoe from Trail County works in the foreground.



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April 14<sup>th</sup> 2001

