

Testimony
HB 1218—Department of Water Resources
House Energy and Natural Resources
Representative Todd Porter, Chairman
January 19, 2023

Chairman Porter, and members of the House Energy and Natural Resources Committee—I am Andrea Travnicek, the Director of the Department of Water Resources and the Secretary to the State Water Commission. I am here today to provide testimony in support of HB 1218.

The Northwest Area Water Supply (NAWS) project's purpose is to address long-standing water supply and poor water quality problems in northern North Dakota by delivering high quality Missouri River water to the region. NAWS was authorized by the Garrison Diversion Reformulation Act of 1986 and the Dakota Water Resources Act of 2000. Construction of NAWS began in April 2002, with a main line and associated features being built between the City of Minot and Lake Sakakawea. Later in 2002, lawsuits were initiated, delaying the project for years. After 17 years of litigation, the construction of NAWS started again in 2019. Currently, with various projects under construction that will move water from Lake Sakakawea to the City of Minot by Fall of 2024, there is a need to update and modernize the project's oversight.

In 1991, the 52nd Legislative Assembly passed N.D.C.C. ch. 61-24.6 creating the NAWS Advisory Committee and gave the State Water Commission (SWC) the authority to construct, operate, and manage the project. In 2021, the 67th Legislative Assembly passed HB 1063 that modified the Advisory Committee and refined the project area. The NAWS project area was modified to only include areas to be served by the project as it is currently envisioned. The initial project area included a ten-county area; however, some of the areas were eliminated as other water systems have begun to serve those areas since the authorizing legislation was passed. Representatives from the City of Williston and the Three Affiliated Tribes were removed, as neither entity will receive water from the project. The

representatives from the rural water districts, county water resource districts, and municipalities in the service area outside of Minot were also modified to remove Williams, Divide, and Mountrail Counties. Currently, the NAWS Advisory Committee consists of one person representing each of the following: Minot, water resource districts, SWC, Turtle Mountain, rural water, other municipal, Garrison Diversion Conservancy District, and an at-large member.

This Bill, HB 1218, would further adjust the make-up of the Committee and elevate the Advisory Committee to an Authority. The other larger regional water projects across the state, such as Western Area Water Supply, Southwest Pipeline Project, and Red River Valley Water Supply project, all have Authorities that assist with project oversight. This would put the NAWS project in line with the other regional water systems.

HB 1218 proposes to have four representatives from Minot recommended by the Minot City Council, one of whom shall represent North Prairie Regional Water District; one representative of All Seasons Water Users District, recommended by the All Seasons board of directors; one representative of the Upper Souris Water District, recommended by the Upper Souris board of directors; two representatives of cities other than the city of Minot with direct water service from NAWS; one representative from the SWC; one representative from the Garrison Diversion Conservancy District as a nonvoting member; and one representative of the Turtle Mountain Band of Chippewa Indians as a nonvoting member. Please see the last page of this testimony for a table outlining the previous and proposed changes. This proposed make-up provides equitable representation of all user groups.

The Department would like to suggest an amendment to page 1 line 12 replacing “rural” with “regional” to accurately reflect the name of the water district North Prairie Regional Water District.

The bill also provides length of terms for serving on the Authority, the role of the State Water Commission, and the Department of Water Resources providing staffing and support. The State Water Commission and the Department of Water Resources have worked with the member entities and the NAWS Advisory Committee to develop HB 1218.

Thank you for the opportunity to comment, and I would be happy to answer any questions you might have.

1991 NAWS Advisory Committee	2021 Revised NAWS Advisory Committee	2023 Proposed NAWS Authority
(1) City of Minot	(1) City of Minot	(4) City of Minot • 1 from North Prairie Regional Water District
(1) City of Williston	(1) City of Williston	
(1) County Water Resource District Representing: • Bottineau County • Burke County • Divide County • McHenry County • McLean County • Mountrail County • Pierce County • Renville County • Ward County • Williams County	(1) County Water Resource District Representing: • Bottineau County • Burke County • Divide County • McHenry County • McLean County • Mountrail County • Pierce County • Renville County • Ward County • Williams County	(2) Cities other than Minot with direct water service from NAWS
(1) SWC	(1) SWC	(1) SWC
(1) Three Affiliated Tribes	(1) Three Affiliated Tribes Turtle Mountain Band of Chippewa Indians-- Nonvoting	(1) Turtle Mountain Band of Chippewa Indians-- Nonvoting
(1) Rural water distribution system representative. Must be a resident of: • Bottineau County • Burke County • Divide County • McHenry County • McLean County • Mountrail County • Pierce County • Renville County • Ward County • Williams County	(1) Rural water distribution system representative. Must be a resident of: • Bottineau County • Burke County • Divide County • McHenry County • McLean County • Mountrail County • Pierce County • Renville County • Ward County • Williams County	(1) All Seasons Water Users District (1) Upper Souris Water District
(1) Garrison Diversion Conservancy District	(1) Garrison Diversion Conservancy District	(1) Garrison Diversion Conservancy District-- Nonvoting
(1) At-Large Representative	(1) At-Large Representative	
Total: 8 Voting	Total: 6 Voting 1 Nonvoting	Total: 9 Voting 2 Nonvoting