

**SB 2372**  
**Testimony of Jack Dwyer**  
**Senate Agriculture and Veterans Affairs Committee**

Dear Senator Luick and Agriculture and Veterans Affairs Committee, I am Jack Dwyer and I serve as the Executive Secretary for the North Dakota Water Resource Districts Association.

The water managers that make up the Water Resource Districts Association support the idea of managing water at a watershed level. However, we have some concerns and questions about how the proposed structure in SB 2372 would operate.

Currently, each county in the state has a water resource district, which is overseen by a local water board. A few counties have more than one, formed along watershed boundaries. Cass County, for instance, has four water resource districts. Bottineau County technically has three water districts. Most other counties have just one water district. Water boards are formed and operate under the county commission for each county. Each water board has the ability to request funding from the county in which the water resource district operates, which can be approved and granted by the county commission, not to exceed four mills.

Our current structure in North Dakota does allow for watershed-based management, recognizing that water doesn't respect political boundaries. Each water resource district has the ability under NDCC 61-16.1-11 to form a "joint water resource district" or "joint board" by entering into a joint powers agreement with one or more neighboring water boards to coordinate water management on a watershed basis. Any joint board can request funding up to two additional mills from the counties in which the joint board operates. I've attached a list of the joint boards that have been formed in our state as **Exhibit A** to this testimony.

Joint boards are very active in our state. The Red River Joint Board, which is comprised of 14 water resource districts in the Red River basin, "provides for a coordinated and cooperative approach to water management and provides critical funding to member districts for the purpose of developing and financing water retention projects." The Missouri River Joint Board, consisting of 10 water boards, is focused on "addressing the management, conservation, protection, development, and control of water resources in the Missouri River basin." The Souris River Joint Board, which includes four counties, is currently the local sponsoring entity for the Mouse River Enhanced Flood Protection Project, the project that is responsible for reducing risk of flood damages in the entire Mouse River basin, including the city of Minot. Those are some of the large ones. Smaller examples also exist. A number of counties have formed joint boards with just one or two neighboring counties to take on the development and construction of a local

assessment project like an assessment drain. In those situations, the focus is on the particular project that was the purpose for forming the joint board, i.e. just completing and then maintaining that conveyance project that crosses one or two county lines.

With this background in mind, the language proposed in SB 2037 leads me to believe that water resource districts and joint water resource districts would continue to exist if this bill passes. If that is the case, then these watershed districts are redundant, and the bill does not clarify whether a water resource district, a joint water resource district, or watershed district would have jurisdiction over a certain question or land area, or any permit application or regulatory appeal, which would lead to confusion.

If the intent of this bill is to replace individual water boards and joint boards with watershed districts, that would be a major overhaul with would require additional study and discussion.

Under either scenario, our group has many questions. What is the appropriate size for a watershed district? How are the watershed districts funded? Will the watershed boundaries split land parcels?

Lastly, I understand there has been a concern with a few water resource districts who have been reluctant or refused to coordinate with neighboring counties. If the committee would like to address this issue, our group would offer that existing statutes be examined to see if there is a way to require counties to participate with neighboring counties when watersheds cross those boundaries, rather than create a new level of government. During the Interim Drainage Committee, our group proposed a statutory change to the Drainage Committee to address this issue, but the Drainage Committee did not act on our proposed change. Our proposed language that was submitted can be found on **Exhibit B** to this testimony.

Because of the outstanding questions about these watershed districts, and how they fit into our current system for local water management, the Water Resource Districts Association respectfully asks for a do not pass recommendation on SB 2372.

I'd be happy to stand for any questions.