

Testimony
HB 1218—Department of Water Resources
Senate Energy and Natural Resources
Senator Dale Patten, Chairman
March 2, 2023

Chairman Patten, and members of the Senate 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.

Engrossed 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.

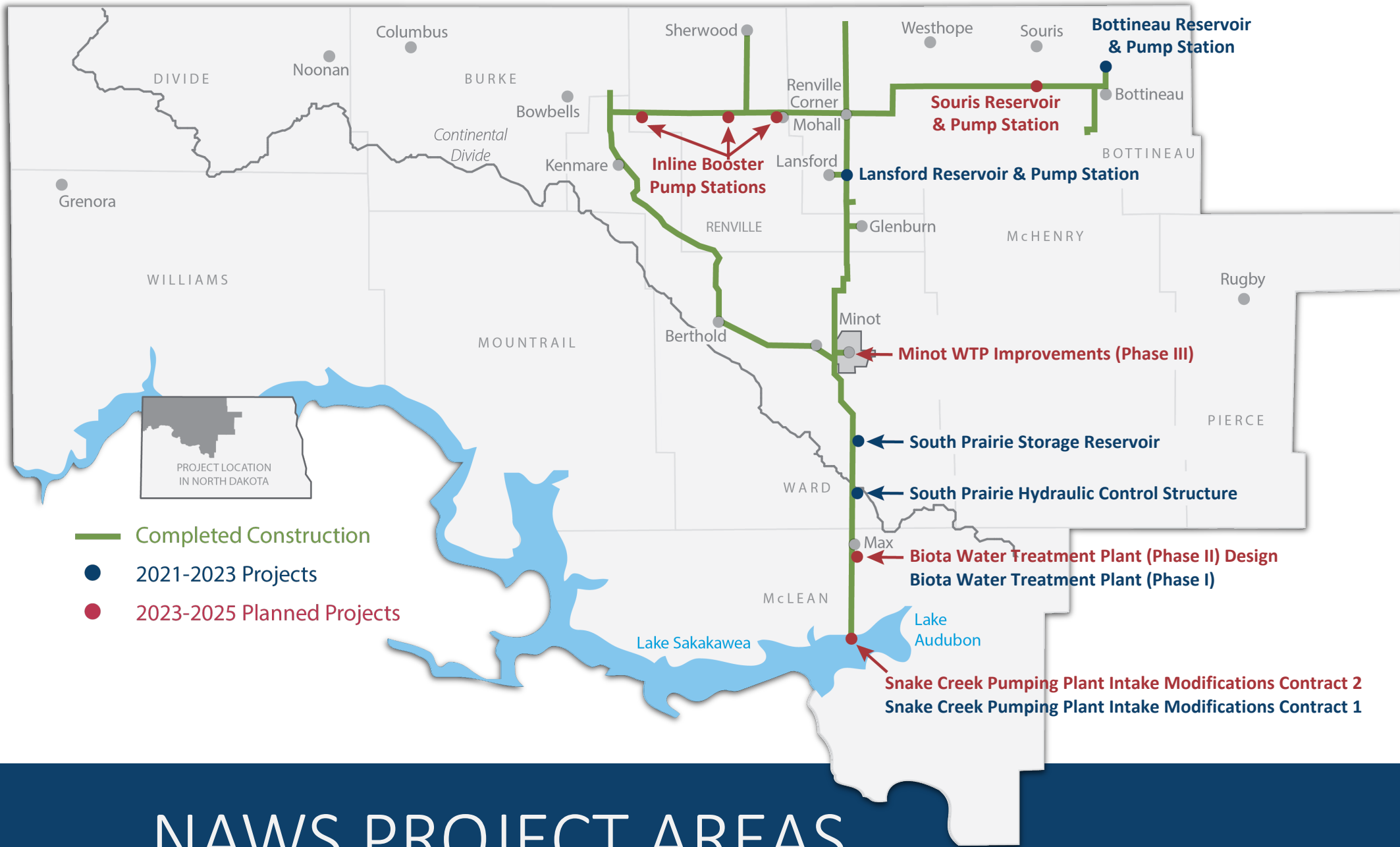
Engrossed HB 1218 proposes to have four representatives from Minot recommended by the Minot City Council; one representative of North Prairie Regional Water District; one representative of All Seasons Water Users District, recommended by the All Seasons board of directors; one representative of the Upper Souris Water District, recommended by the Upper Souris board of directors; one representative of cities other than the city of Minot with direct water service from NAWS; one representative from the SWC who lives in the Souris River basin; 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 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 (Engrossed HB 1218)
(1) City of Minot	(1) City of Minot	(4) City of Minot
(1) City of Williston	(1) City of Williston	
(1) County Water Resource District Representing: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • Bottineau County • Burke County • Divide County • McHenry County • McLean County • Mountrail County • Pierce County • Renville County • Ward County • Williams County 	(1) Cities other than Minot with direct water service from NAWS
(1) SWC	(1) SWC	(1) SWC—Souris River Basin
(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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • Bottineau County • Burke County • Divide County • McHenry County • McLean County • Mountrail County • Pierce County • Renville County • Ward County • Williams County 	(1) North Prairie Regional Water District (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



- Completed Construction
- 2021-2023 Projects
- 2023-2025 Planned Projects

NAWS PROJECT AREAS

Authority:	Western Area Water Supply Authority (61-40)	Lake Agassiz Water Authority (61-39)	Southwest Water Authority (61-24.5)	Proposed Northwest Area Water Supply Authority (Engrossed HB 1218)
Year Established:	2011	2003	1991	
Make-Up:	<p>(2) Williams rural water district (Renamed to Northwest Rural Water District)</p> <p>(2) McKenzie County water resource district</p> <p>(2) City of Williston</p> <p>(2) BDW Water system association</p> <p>(2) R&T water supply association</p> <p>Total: 12 Voting</p> <p>*In their bylaws, WAWSA weights their votes. For example, Williston gets 16 out of the total 35 votes.</p>	<p>(1) City with population 40,000+; East of Highway 1 and North of Highway 200</p> <p>(1) City with population 40,000+; East of Highway 1 and South of Highway 200</p> <p>(1) City with population 5,000-40,000; East of Highway 1</p> <p>(1) City with population less than 5,000; East of Highway 1</p> <p>(2) Water districts; East of Highway 1 and North of Highway 200</p> <p>(2) Water districts; East of highway 1 and South of Highway 200</p> <p>(1) Water districts located east of Highway 1</p> <p>(1) Minnesota city with a population of 30,000+ located within 5 miles of ND</p> <p>(1) Water district; West of Highway 1</p> <p>(1) City West of highway 1</p> <p>Total: 12 Voting Authority may designate associate members who are</p>	<p>(2) Elected from Dickinson</p> <p>(1) Elected from Mandan</p> <p>(1) Stark County (not a resident of Dickinson)</p> <p>(1) Morton County (not a resident of Mandan)</p> <p>(1) Dunn County</p> <p>(1) Golden Valley County</p> <p>(1) Billings County</p> <p>(1) Slope County</p> <p>(1) Bowman County</p> <p>(1) Adams County</p> <p>(1) Grant County</p> <p>(1) Hettinger County</p> <p>(1) Mercer County</p> <p>(1) Oliver County</p> <p>Total: 15 Voting</p>	<p>(4) Minot</p> <p>(1) Cities other than Minot with direct water service from NAWS</p> <p>(1) SWC—Souris River Basin</p> <p>(1) North Prairie Regional Water District</p> <p>(1) All Seasons Water Users District</p> <p>(1) Upper Souris Water District</p> <p>(1) Turtle Mountain Band of Chippewa Indians—Nonvoting</p> <p>(1) Garrison Diversion Conservancy District—Nonvoting</p> <p>Total: 9 Voting, 2 Nonvoting</p>

		nonvoting members of the board.		
Elected:	The governing body selects two representatives to the authority board who are water users of the member entity.	<p>ND city members: Elected by cities during annual League of Cities meeting.</p> <p>Water district members: Election by water districts during the annual meeting of the North Dakota Rural Water Systems Association</p> <p>Minnesota cities within five miles of the Red River or that use the Red River as a primary water supply may elect their representative.</p>	<p>County Directors: Elected during June primary. Petition to get on ballot requires 2% of eligible voters' signatures.</p> <p>City Directors: Elected during June primary. Petition to get on ballot requires 10% of eligible voter signatures.</p>	<p>Recommended by board they are representing</p> <p>City representation is chosen during annual League of Cities meeting</p>
Terms of Office:	1 year term May be reappointed	2 year terms	4 year terms	4 year terms
How to join:	Political subdivisions or water systems may join the Authority upon 2/3 majority vote of the existing board. To be eligible for membership, the entity must first contract with the Authority for financial participation in the project.	A city/county/water district may join by applying to the Authority. The Authority shall require any new member to pay for a pro rata share of the project costs previously incurred by the Authority members. The Authority also may require an entity contracting for a water supply to pay an additional fee if the entity joins the project late.	County Commission may apply to join. As a condition of approval, the authority may require payments as may be equitable to equalize the burden of such county with the obligations paid or assumed by the other counties in the authority.	Areas served are represented in proposed make-up. The service area (scope of project) cannot be changed without new NEPA analysis (and associated litigation).