

**Testimony of Duane DeKrey**  
**Garrison Diversion Conservancy District General Manager**  
**Senate Bill 2364**  
**Senate Energy and Natural Resources Committee**  
**Bismarck, North Dakota – February 3, 2023**

Chairman Patten, members of the Committee. Thank you for the opportunity to explain the reason for this legislation and our proposed Amendment. During conversations between landowners affected by the Red River Valley Water Supply Project (RRVWSP) and Representative Weisz, the landowners expressed fears the Garrison Diversion Conservancy District (Garrison Diversion) could cease to exist.

As background, Garrison Diversion was created by the ND Legislature in the 1950s, existing now for 70 years. Garrison Diversion could only cease to exist by legislation and signature of the Governor. However, if this were to happen, the landowner wanted to know what happens to the easements and the pipeline on their property. While seen as a remote possibility Garrison Diversion would cease to exist, an easy way to remove that fear is with simple legislation.

Currently, if Garrison Diversion ceases to exist, the responsibilities can be assigned to the State of ND or another political subdivision. The bill, as submitted, would assign those responsibilities to the State of ND.

The RRVWSP is a joint effort between Garrison Diversion and Lake Agassiz Water Authority (LAWA). LAWA is a public water authority created by the legislature in 2005, to be the local government entity consisting of, and representing, local public water

systems in the RRVWSP. Therefore, it would make sense to assign the easement and responsibility to LAWA before the State of ND.

Including the option for LAWA or the State of ND to become the responsible party keeps the option open for the State of ND to become the ultimate responsible party if both Garrison Diversion and LAWA ceased to exist due to being deauthorized by law.

Please give this bill, with the proposed amendment, a DO PASS to allay the fear held by the affected landowners and clarify the language of who absorbs the RRVWSP easement and Garrison Diversion's authorized facilities in the event Garrison Diversion and LAWA should no longer exist.

Thank you for your consideration.