

**Testimony of Duane DeKrey, General Manager
Garrison Diversion Conservancy District
HB 1020
House Appropriations Committee – Education & Environment Division
Bismarck, North Dakota – January 30, 2025**

Chairman Nathe and Members of the Education & Environment Division, my name is **Duane DeKrey** and I am representing the **Garrison Diversion Conservancy District**, which oversees the Red River Valley Water Supply Project and works to provide a reliable, high quality and affordable water supply for the people of North Dakota. We strongly support the inclusion of a **General Counsel for the North Dakota Department of Water Resources** to safeguard our state’s water interests and infrastructure investments.

1. Protecting North Dakota’s Water Infrastructure Investments

North Dakota has made **significant investments** in water infrastructure projects, including the Red River Valley Water Supply Project, to ensure long-term water security for approximately **50% of the state’s population**. As the state continues to invest in water infrastructure projects, it is critical that the Department of Water Resources has **dedicated legal expertise** to defend and protect these projects from legal and regulatory challenges. Without a General Counsel, the state risks costly delays and litigation that could undermine these vital water initiatives.

2. Defending Against External Competition for North Dakota’s Water Resources

North Dakota’s water resources, particularly the **Missouri River**, have increasingly become the target of **out-of-state interests** seeking access to our water supplies. Proposals from Colorado, Kansas, and even the Southwest have explored diverting Missouri River water to supplement their own diminishing supplies. Without a **dedicated legal advocate**, North Dakota will face regulatory and legal pressure compromising our ability to retain and utilize our own water. A General Counsel would play a **pivotal role in defending North Dakota’s water rights** and ensuring our communities, industries, and agriculture have **secure and uninterrupted access** to these essential resources.

3. Upholding North Dakota’s Sovereignty Over Its Water Resources

Water is one of North Dakota’s most valuable natural resources, and the state must retain full control over how it is managed and distributed. **Federal intervention and external legal challenges** threaten our ability to make decisions in the best interests of North Dakotans. By adding a General Counsel to the Department of Water Resources, we can ensure the necessary legal expertise to **navigate complex regulatory frameworks, defend against external claims, and protect our state’s autonomy in water governance**.

4. Ensuring Proactive Legal Strategy and Cost Savings

Legal challenges to water projects are becoming more frequent and complex. A dedicated General Counsel within the Department of Water Resources will allow the state to **proactively**

address legal threats, develop long-term strategies, and respond swiftly to legal disputes—ultimately saving taxpayer dollars and reducing project delays.

Conclusion

The inclusion of a **General Counsel for the ND Department of Water Resources** is an essential step in protecting North Dakota's **water sovereignty, infrastructure investments, and long-term economic growth**. Without dedicated legal expertise, the state is at risk of losing control over its water resources to out-of-state interests and facing costly legal battles that could delay or derail critical water projects.

For these reasons, we respectfully urge the inclusion of the General Counsel position in HB 1020.