

TESTIMONY OF

**Andrew Nygren, Division Director, Water Appropriation Division**

Chairman Patten, and members of the Senate Energy and Natural Resources Committee, I am Andrew Nygren, the Water Appropriation Division Director of the Department of Water Resources (Department). I'm here today to provide testimony in support of SB 2059.

Section 1 of the bill before you today focuses on clarifying how the Department of Water Resources notifies people about hearings related to conditional water permit applications. There are two situations where a hearing might happen.

First, when the Department decides to hold a public hearing to gather more input on a water permit application. The bill clarifies the Department will notify the necessary parties about the time and place of the hearing using certified mail. The present language states the service under the ND Rules of Civil Procedure.

The other situation is when someone requests an adjudicative proceeding to challenge the Department's recommendation on a water permit application, like a recommendation to approve a permit. The bill ensures the same notification process applies here, with certified mail used to inform the required parties about the time and place of the proceeding.

These changes are straightforward and aim to make the notification process clearer and more consistent.

Sections 2 and 3 of SB 2059 add clarity to the process of appealing Water Resource District decisions to the Department of Water Resources for construction (Section 2) and drainage (Section 3) complaints. The proposed changes to both sections of North Dakota Century Code (N.D.C.C.) are identical, aside from drainage vs construction subject matter, and achieve clarity through reorganization and language modification of existing text. The proposed changes make explicit both the notification process the Department undertakes if a complaint appeal is dismissed as well as make consistent the timing for requesting a hearing of a Department decision within N.D.C.C.

Thank you for the opportunity to testify, and I'm happy to answer any questions.