

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 for the Department of Water Resources. I'm here today to provide testimony in support of SB 2141.

The bill before you today is about making it easier to change the purpose of use for water permits tied to reservoirs with authorized withdrawals. Right now, section 61-04-15.4 only allows changes in use for what's considered a "superior use," based on a priority order outlined in section 61-04-06.1. That order is:

1. Domestic use
2. Municipal or public use
3. Livestock use
4. Irrigation use
5. Industrial use
6. Fish, wildlife, and recreational use

Currently, there are a small number of water permits tied to reservoirs that are for irrigation or industrial use. These reservoirs have authorized storage and withdrawals but should the irrigation or industrial use tied to them be abandoned or never built, the permit may be subject to cancellation leaving the reservoir without a valid permit.

This bill addresses the problem by allowing the permit to change from irrigation or industrial use to fish and wildlife use. This allows the structure to remain, while accommodating the cancellation of the withdrawals associated with the abandoned or never developed use. It's a practical solution that keeps the reservoir permitted.

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