

Testimony for SB2141

To the Senate Energy and Natural Resources Committee,

I'm testifying in opposition against SB2141 because there seems to be good intentions

We at Dakota Resource Council support the use of allowing excess water permits to be used for fishing and recreational use. But we have questions about the livestock language in this bill on line 18?

There are two potential problems with this language: The first is that it does not take into account the size of the livestock operation in use if it is not clearly defined. Setting up this water to have your cows out to pasture might be just fine, but livestock operations could also include dairy farms which may have up to 25,000 head of cattle and need 1 million gallons of water per day. There should be limits more clearly defined. Because both of these situations could be permitted if it is written the way it is.

The second problem is that this bill could also infringe on cities' and businesses' abilities to grow in North Dakota. The language is too unclear to define exactly what "The department of water resources may approve the proposed change if the proposed change will not adversely affect the rights of other appropriators". This could have the unintended consequences of multiple lawsuits determining the definition of "adversely affecting" and conflicts with cities and businesses' water rights if you reclaim them for fishing and recreation. If we don't define this clearly we could run into legal troubles.

In conclusion we can support this bill if the intent is to provide ways to permit reservoirs for recreation and fishing if they have not been claimed by industry and you remove the livestock language and more clearly define your intentions in the law. But as written we urge DO NOT PASS due to the vagueness of the language.

Thank you for your consideration

Sam Wagner  
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Dakota Resource Council.