



North Dakota Grain Growers Association Neutral Testimony on SB 2208 Senate Agriculture Committee January 28, 2021

Chairman Luick, members of the Senate Agriculture Committee, for the record my name is Dan Wogsland, Executive Director of the North Dakota Grain Growers Association (NDGGA). NDGGA, through our contracts with the North Dakota Wheat Commission and the North Dakota Barley Council, engage in domestic policy issues on the state and federal level on behalf of North Dakota wheat and barley farmers. I am providing testimony for you today on behalf of NDGGA in a neutral position on SB 2208.

Chairman Luick, members of the Senate Agriculture Committee, it needs to be recognized that conflicts exist in North Dakota water law which pit landowner vs. landowner, neighbor vs. neighbor and causes disruption in orderly water management in our state. That is one of the many reasons legislation like SB 2208 and similar bills throughout the years have come before this Committee and the North Dakota legislature. There are good things contained in SB 2208; that said there are some areas of concern that NDGGA feels need to be addressed before the legislation moves forward.

Chairman Luick, members of the Senate Agriculture Committee, the apocalypse does not come if SB 2208 is passed today. Similarly, the apocalypse does not come if the legislation is defeated. What does happen is that, for now, the dialogue on improving water management and seeking solutions to the issues that brought this legislation forward to you today does. That, to NDGGA, is not the desired result.

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NDGGA agrees with combining “water law” into one section of the North Dakota Century Code; this makes sense for the use and protection of everyone.

NDGGA has three items of concern in SB 2208 that we feel must be addressed before the legislation is considered.

Item one is the elimination of the under 80-acre tiling provisions as they relate to permitting contained in the legislation as it has been proposed. Elimination of the under 80-acre provisions for tiling is a non-starter for NDGGA. The Association would hope that, as the legislation proceeds, that the under 80-acre tiling provisions be restored.

Second, the elimination of snagging and clearing must be addressed. The proposal in SB 2208, while appearing as a protection for water board over-reach, could also prevent necessary maintenance for legal drains. It would be NDGGA’s desire for the Committee to address this and find a compromise so that both water boards and impacted landowners are offered mutual protections.

Finally, the maintenance provisions contained in SB 2208, again designed to address landowner and assessment concerns, need modification. While landowner protections need to be in place to prevent water board excesses, the process for maintenance must be manageable.

Chairman Luick, members of the Senate Agriculture Committee, as we all know water is for fighting over in the state of North Dakota. It is the opinion of the North Dakota Grain Growers Association that while SB 2208 seeks to correct inequities found in the North Dakota system of water laws the scope of this bill would seem too big for the 63 possible days left of the 67th legislative session.

Therefore the North Dakota Grain Growers Association would respectfully request that the dialogue created by SB 2208 continue with the legislation possibly being considered as a vehicle for a legislative management study during the upcoming interim.