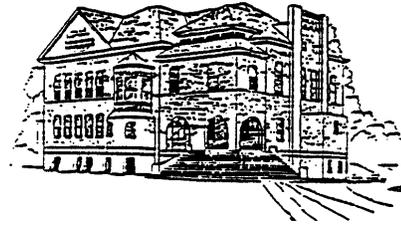


Wells County Water Resource District

Tammy Roehrich, Secretary
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Chairman Porter & House Energy & Natural Resources Committee Members:

My name is Larry Skiftun. I am a lifelong farmer in Wells County, a landowner, and the current Chairman of the Wells County Water Resource District Board of Managers. On behalf of the Wells County Water Resource District Board of Managers, I submit this testimony in support of the amendment proposed by Sen. Luick to S.B. 2276. The amendment provides a commonsense solution to an issue occurring in several parts of the state, where an existing project that benefits or spans multiple counties lacks the required cooperation of one or more neighboring water resource boards.

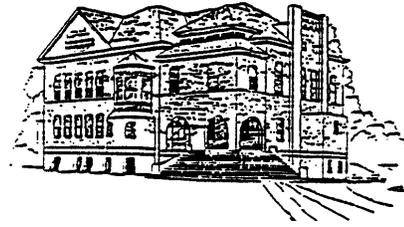
Current law, specifically ND Century Code § 61-161.-15, states that when a project benefits or spans more than one county, districts from two or more counties may agree to jointly construct or assign benefits. However, some water resource boards refuse to cooperate, thereby avoiding the requirement that landowners in their district pay their fair share. A resolution to this issue was attempted in 2023 with S.B. 2372, which allowed the originating district to elevate the project to the respective Red River, James River, Mouse Rive, Missouri River, or Devils Lake joint board. While well-intentioned, this solution faced another challenge: the joint drainage basin boards were too large to effectively manage and oversee projects that impacted only a small fraction of the basin at the local level. Even when assessments were approved across county lines, enforcement of the assessment levy remained problematic.

We believe the amendment to S.B. 2276 offers a resolution to these challenges for existing projects being reassessed. It requires the originating district to approach its neighboring districts and offer those boards a seat at the table, as current law allows. This provides an opportunity for neighboring district boards, including those with disagreements, to have input on the project. However, if the neighboring district attempts to obstruct progress by refusing to cooperate in the formation of a joint board, the originating district can proceed with the reassessment, including assessing lands benefited by the project in the neighboring district. Objecting landowners will retain their existing right to appeal. Ultimately, oversight and control over the project remain at the more manageable, local level. Additionally, the enforcement mechanism in the amendment creates an incentive in neighboring counties to follow the law and levy approved assessments, including across district boundaries, for lands that benefit from the project.

We believe the amendment could be improved even further, by adding this same concept not just for existing projects going through a reassessment of benefits, but for new projects, too. If a project initiates in one district and the district concludes property in another county benefits from the project, the originating district should first notify the neighboring county or counties about the need to form a joint board. If a county refuses to cooperate, the originating district should be allowed to proceed to create, construct, alter, repair, operation, and maintain the project; determine and levy assessments against benefited property in all benefited counties, and issue special warrants.

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We strongly urge the committee to approve the amendment to S.B. 2276 and recommend a “Do Pass” on S.B. 2276 as amended. We believe this amendment provides a commonsense, workable solution to the cross-county project issues currently facing us. We would support the committee, or a conference committee, adding the same concept to construction of new project. Finally, we see an opportunity for the future to continue studying broader water management strategies on a watershed basis.

Thank you for your time and consideration.

Sincerely,

Larry Skiftun, Board of Managers Chair
Wells County Water Resource District