

**January 15, 2025**  
**Senate Bill 2118**

**Mr. Chairman and Members of the Senate Energy and Natural Resources Committee,**

Thank you for the opportunity to testify today. My name is Levi Otis, and I represent Ellingson Companies, where we focus primarily on agricultural water management for over 3,000 customers. I appreciate the chance to share our perspective. We strongly oppose **SB 2118** and urge the committee to issue a **DO NOT PASS** recommendation.

Water conveyance and management are critical for North Dakota's farmers. Proper management improves soil health, reduces erosion, enhances wildlife habitats, and supports agricultural productivity. Unfortunately, SB 2118 does not advance these goals.

**Key Concerns with SB 2118**

**1. Increased Complexity in the Department of Water Resources (DWR)**

The bill introduces unnecessary delays by requiring the DWR to determine whether a requesting party is "aggrieved" before analyzing design flows. This added step could extend project timelines by months, hindering timely improvements. Water Resource Districts already possess the local knowledge necessary to identify areas needing upgrades—they require funding and genuine reductions in bureaucratic hurdles to succeed.

**2. Grandfathering of Existing Stream Crossings**

By effectively grandfathering outdated stream crossings, the bill allows subpar infrastructure to persist indefinitely. Instead of maintaining the status quo, we should prioritize upgrading and replacing crossings to improve water conveyance and support modern agricultural practices.

**3. Removal of Enforcement Provisions**

The removal of enforcement language obligating road authorities to comply with DWR's design flow determinations undermines the integrity of our water management system. Without accountability, compliance becomes optional, weakening the state's ability to manage water effectively.

**Negative Impact of SB 2118**

This bill would limit North Dakota's ability to convey water efficiently through its road and ditch systems, jeopardizing both agricultural productivity and infrastructure integrity.

**Alternative Approach**

We respectfully request a **DO NOT PASS** recommendation on SB 2118. However, we support the **amendments proposed by the North Dakota Water Resource District Association**, which strike a better balance between reducing administrative burdens and maintaining effective water management standards.

Thank you for your consideration. I am happy to answer any questions the committee may have.

Sincerely,  
**Levi Otis**  
**Ellingson Companies**