

**2025 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1201**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1201

1/23/2025

Relating to drains intersecting with a roadway that is part of the state highway system.
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10:07 a.m. Chairman Porter opened the hearing.

Members Present: Chairman Porter, Vice Chairman D. Anderson, Vice Chairwoman Novak, Representatives: Dockter, Hagert, Headland, Johnson, Marschall, J. Olson, M. Ruby, Conmy, Foss  
Members Absent: Representative Heinert

### Discussion Topics:

- Culverts
- Drainage systems

10:07 a.m. Representative Brandenburg introduced the bill and submitted testimony #31014 and #31062.

10:14 a.m. Doug Goehring, Agriculture commissioner, ND DA, testified in favor and submitted testimony #31022.

10:18 a.m. Todd Stein, Sergeant County Water Resource, testified in favor and submitted testimony #31076.

10:19 a.m. Representative Cynthia Schreiber-Beck, testified in favor and submitted testimony #31066.

10:21 a.m. Rodger Zetocha, Board Member, Sergeant County Water Resource, testified in favor.

10:28 a.m. Matt Linneman, Deputy Director of Engineering, ND DOT, testified in opposition and submitted testimony #30815.

10:37 a.m. Aaron Carraza, Division Directo and Regulatory Division, DWR, testified in opposition and submitted testimony #30712.

10:50 a.m. Chairman Porter closed the hearing.

*Janae Pinks, Committee Clerk for Leah Kuball, Committee Clerk*



Testimony in Opposition of  
**HB 1201**  
House Energy and Natural Resources  
January 23, 2025

TESTIMONY OF

**Aaron Carranza, Division Director, Regulatory Division**

Chairman Porter, and members of the House Energy and Natural Resources Committee, I am Aaron Carranza the Regulatory Division Director of the Department of Water Resources. I'm here today to provide testimony in opposition of House Bill 1201.

As noted, House Bill 1201 requires control structures be located on state highway culverts in certain scenarios.

This proposed legislation would have the effect of making all such crossings act as dams. Given the current guidance on hazard classification determinations of dams, it is likely all such roads acting as dams would be either medium or high hazard classified structures. This is due to the public safety nature of the use of the roadways and implications of failure while impounding water.

Due to life safety and protection of the public, as well as protection of private property, any structure that holds back water for the purpose of water flow reduction is classified as a dam. Since these are specific to the state highway system, the potential risk to the public in turning all such crossing in to dams does warrant discussion.

The Department is responsible for permitting all dams that require a permit under North Dakota Century Code § 61-16.1-38. The Department's Dam Safety section is also responsible for periodic inspections of medium and high hazard dams throughout the state. The team of three currently manages the 110 existing medium and high hazard dams. The proposed language has the potential to exponentially increase the number of these classifications of dams, requiring additional Department FTEs to maintain the current level of oversight and management on these types of critical infrastructure.

If this bill were to proceed as proposed, significant engineering, design, permitting, and modifications of the state highway system would be necessary to retrofit portions of the state highway system to act as dams. Also, due to the intention to hold back water at each subject crossing, significant private property rights would need to be acquired in order to secure permission to store the water upstream of the subject crossings. All of these efforts would come at a significant cost to both the Department of Transportation and the Department.

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

Greetings, Chair and members of the House Energy and Natural Resources Committee. I am Matt Linneman, Deputy Director for Engineering for the North Dakota Department of Transportation (NDDOT). I'm here today to provide testimony in opposition to House Bill 1201.

The bill provides for an amendment of Section 61-16.1-43 of the North Dakota Century Code (NDCC) relating to drains intersecting with a roadway that is part of the state highway system. The bill proposes language that would require a control valve system on all culverts that facilitate drainage of a watershed that spans three or more counties and that intersects with a drain that flows under a roadway on the state highway system.

This proposed requirement raises several significant concerns for the NDDOT:

1. Adding control valves contradicts North Dakota Administrative Code (NDAC) 89-14-01, otherwise known as the *Stream Crossing Standards* which were created to allow for the natural flow and drainage of surface water through a highway. These standards were originally adopted in 1953 (NDCC 24-03-08) and refined in 1999 (NDAC 89-14-01).
2. If a control valve would be placed on a culvert through a state highway, the state highway would now be acting as a dam which is in direct contradiction to the Stream Crossing Standards. In addition, adding a control valve may require that many state highways be reconstructed to higher design standards and be subject to the Department of Water Resources Regulatory Program which is responsible for regulating the construction and modification of dams, dikes, and other devices, as authorized by NDCC 61-03, 61-04, and 61-16.1.
3. Furthermore, state highways are not designed to act as dams. Existing highway embankments do not include design features, such as an internal impervious core and necessary freeboard, required for a levee or other flood control structure. Fill material used in the construction of a typical highway embankment is not a sufficient barrier against water. Therefore, existing highway embankments would be subject to piping, seepage, and infiltration. Typical embankment construction does not require the same level of geotechnical engineering analysis as required for flood control structures.
4. Control valves that are installed on a culvert will result in water being impounded upstream of the crossing at certain times. Landowner agreements would be necessary for the impoundment and potential for inundation of the property.

5. Control valves, dams, and water impoundments do not advance a transportation purpose to safely moving people and goods. Therefore, federal funds and funds from the State Highway Fund are not eligible to be used on these types of features.
6. The bill does not specify who would be responsible for the design, construction, maintenance, monitoring, and operation of control valves proposed to be installed on structures within state highway right of way. It is assumed this would be the Water Resource Board as that is the section of code it is placed, but it is confusing as it would overlap with the responsibilities of the NDDOT. The operation and maintenance of flood control structures is not the purpose or within the purview of the NDDOT.

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

**24-03-08. Determinations of surface water flow and appropriate highway construction.**

Whenever and wherever a highway under the supervision, control, and jurisdiction of the department or under the supervision, control, and jurisdiction of the board of county commissioners of any county or the board of township supervisors has been or will be constructed over a watercourse or draw into which flow surface waters from farmlands, the department of water resources, upon petition of the majority of landowners of the area affected or at the request of the board of county commissioners, township supervisors, or a water resource board, shall determine as nearly as practicable the design discharge that the crossing is required to carry to meet the stream crossing standards prepared by the department and the department of water resources. In the case that a determination of a design discharge has been made impacting a highway under the supervision, control, and jurisdiction of the department of transportation, the director of the department of water resources and the director of the department of transportation shall consult with the agriculture commissioner. When the determination has been made by the department of water resources, the department of transportation, the board of county commissioners, or the board of township supervisors, as the case may be, upon notification of the determination, shall install a culvert or bridge of sufficient capacity to permit the water to flow freely and unimpeded through the culvert or under the bridge. The department, county, and township are not liable for any damage to any structure or property caused by water detained by the highway at the crossing if the highway crossing has been constructed in accordance with the stream crossing standards prepared by the department and the department of water resources.

COMMISSIONER  
DOUG GOEHRING



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[www.ndda.nd.gov](http://www.ndda.nd.gov)

**NORTH DAKOTA**  
**DEPARTMENT OF AGRICULTURE**  
STATE CAPITOL  
600 E. BOULEVARD AVE. – DEPT. 602  
BISMARCK, ND 58505-0020

**Testimony of Doug Goehring**  
**Agriculture Commissioner**  
**House Energy and Natural Resources**  
**Coteau AB Room**  
**January 23, 2025**

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Chairman Porter and members of the House Energy and Natural Resources Committee, I am Agriculture Commissioner Doug Goehring. I am here today in support of amendments to HB 1201, relating to drains intersecting roadways that are part of the state highway system.

It takes everyone working together to manage water effectively across our state. If there is a way I can assist to ensure the appropriate state agencies are all working towards effective water management, I will gladly accept those responsibilities.

Chairman Porter and committee members, thank you for your time. I urge a do pass on HB 1201. I would be happy to answer any questions you may have.





OLD 3-36" New Replace 6-54"

# North Dakota Department of Transportation

Grant Levi, P.E.  
Director

Jack Dalrymple  
Governor

October 14, 2013

Mr. Sean Fredricks  
Attorney at Law  
Ohnstad Twichell PC  
901 13<sup>th</sup> Avenue East  
West Fargo, ND 58078-0458

## SARGENT COUNTY WATER RESOURCE DISTRICT HIGHWAY DESIGN INQUIRIES

In response to your email dated October 2, regarding questions about two legal drains that cross ND Highway 13 in Sargent County. We have reviewed the areas in question and offer the following comments.

Drain 11 is located 12.5 miles west of the city of Gwinner. This site has been a concern for the traveling public due to concerns of water overtopping the roadway during significant rain events. The Department added drainage capacity at this location to minimize the frequency of overtopping. Our analysis at this location shows a drainage area of approximately 55,000 acres and the 25 year design discharge of 621 cubic feet per second. Since there were three existing crossings at this location, the Department decided to install multiple culverts at each location. Previously, each location had one 36" diameter culvert. Each location was upgraded this year to have double 54" culverts. This upgrade was consistent with North Dakota Stream Crossing Standards.

Drain 7 is located 1.5 miles east of the city of Milnor. This box culvert was built in 1949 and extended in 1977. We do not have any plans to upgrade this location at this time.

Please feel free to contact me if you need anything further.

BOB WALTON – FARGO DISTRICT ENGINEER

68:RRW

c: Brad Pfeifer, Hydraulics Section of NDDOT Bridge Division



**HB 1201** Amendment offered by Cynthia Schreiber-Beck, District 25 Representative

Committee Hearing: Energy and Natural Resources

1/23/24 @ 9AM

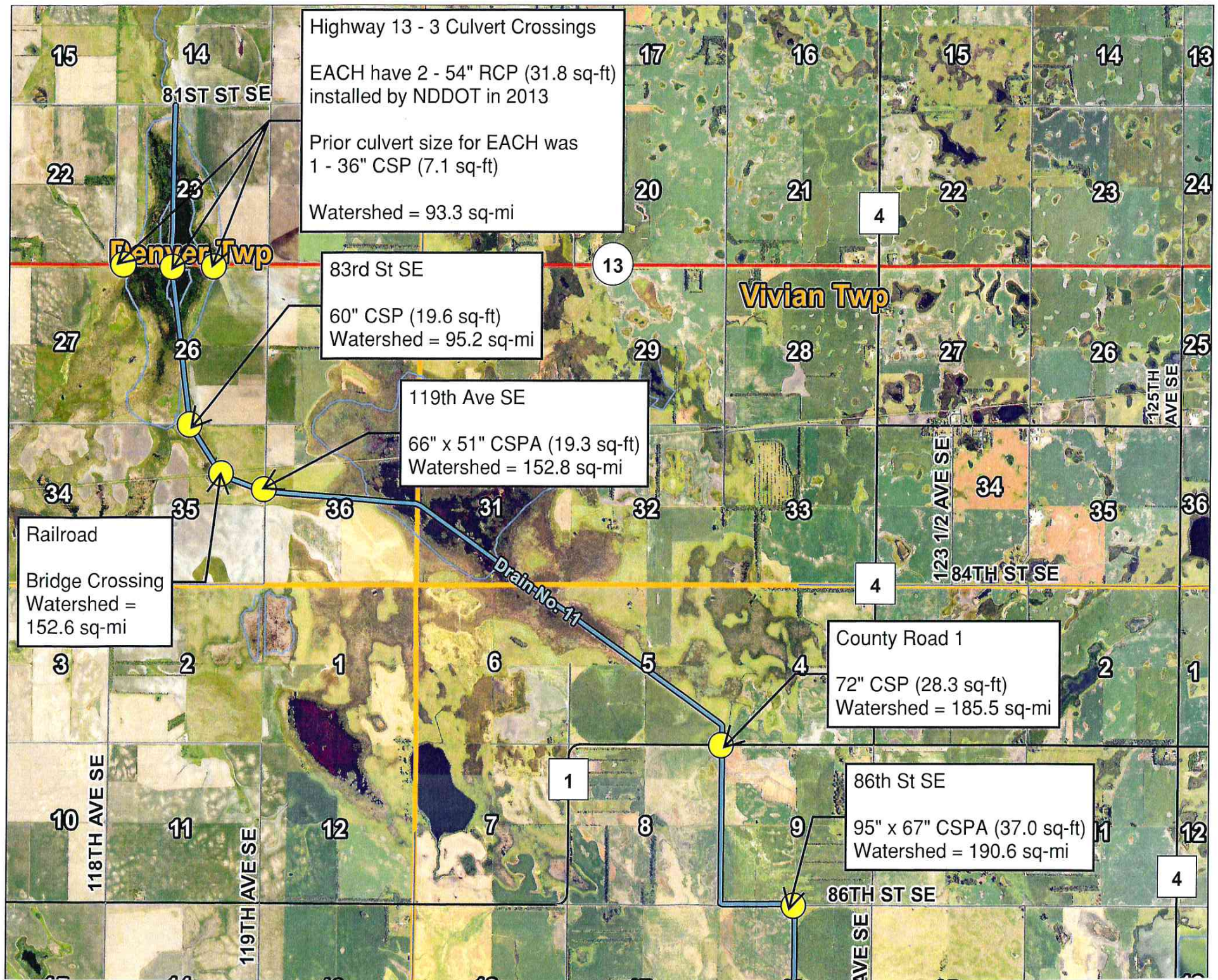
Chair Porter and Committee Members:

HB 1201 pertains to stream crossings, thus the following amendment is offered due to the issue of a difference of opinion between the department of transportation and the local authority of the proper culvert size. From information received from Richland County personnel, the department of transportation has been difficult to convince of the proper culvert size to provide water conveyance without problems. Since this is related to agriculture, the amendment below involves the Commissioner of Agriculture on a consultant basis to assist with oversight when issues arise.

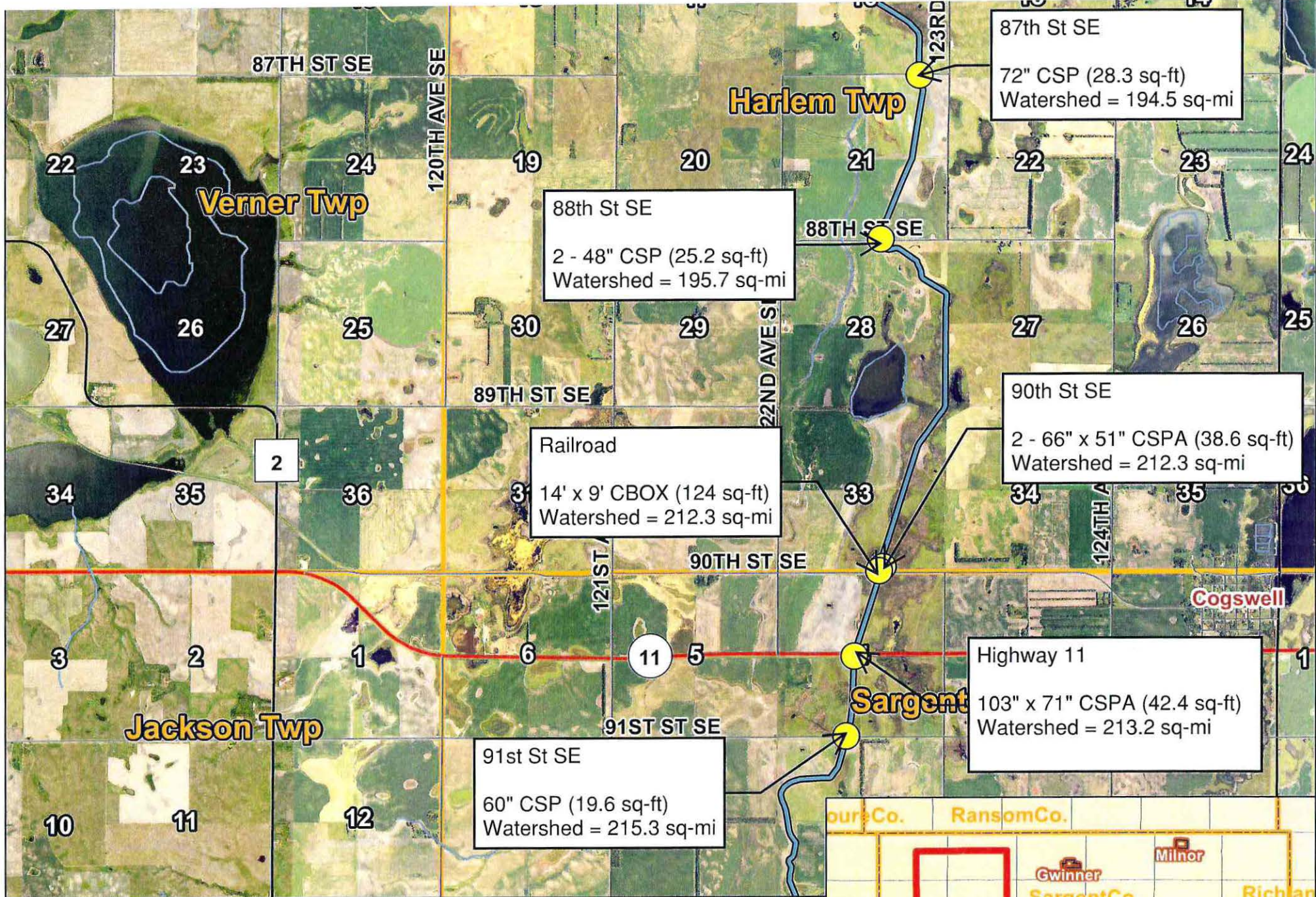
**24-03-08. Determinations of surface water flow and appropriate highway construction.**

Whenever and wherever a highway under the supervision, control, and jurisdiction of the department or under the supervision, control, and jurisdiction of the board of county commissioners of any county or the board of township supervisors has been or will be constructed over a watercourse or draw into which flow surface waters from farmlands, the department of water resources, upon petition of the majority of landowners of the area affected or at the request of the board of county commissioners, township supervisors, or a water resource board, shall determine as nearly as practicable the design discharge that the crossing is required to carry to meet the stream crossing standards prepared by the department and the department of water resources. In the case that a determination of a design discharge has been made impacting a highway under the supervision, control, and jurisdiction of the department of transportation, the director of the department of water resources and the director of the department of transportation shall consult with the agriculture commissioner. When the determination has been made by the department of water resources, the department of transportation, the board of county commissioners, or the board of township supervisors, as the case may be, upon notification of the determination, shall install a culvert or bridge of sufficient capacity to permit the water to flow freely and unimpeded through the culvert or under the bridge. The department, county, and township are not liable for any damage to any structure or property caused by water detained by the highway at the crossing if the highway crossing has been constructed in accordance with the stream crossing standards prepared by the department and the department of water resources.



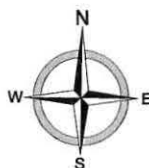






**Culvert Sizes (2014 Survey)**  
**Sargent County Drain No. 11**  
**Sargent County, ND**

Created By: NHT Date Created: 6/29/2022 Date Saved: 01/13/25 Date Plotted: 06/24/20 Date Exported: 01/13/25  
 Plotted By: nathan.trosen Parcel Date: XX/XX/XX Aerial Image: 2020 County NAIP SIDS Elevation Data: Lidar  
 Horizontal Datum: NAD 1983 UTM Zone 14N Vertical Datum: NAVD1988  
 T:\BaseData\WD\County\Sargent\Sargent Co WRD Basemap\_L1\_S.mxd



**Legend:**

- Drains
- Crossings





# 2025 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1201

2/20/2025

relating to drains intersecting with a roadway that is part of the state highway system.
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11:06 a.m. Chairman Porter opened the hearing.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,  
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, Conmy,  
Foss

Members Absent: Representative M. Ruby

### Discussion Topics:

- North Dakota irrigation water permits
- North Dakota irrigation issues

11:07 a.m. Representative Michael Brandenburg, North Dakota Representative for District 28, testified in favor and provided testimony #37615 and #38236.

11:09 a.m. Chairman Porter closed the hearing.

*Wyatt Armstrong for Leah Kuball, Committee Clerk*

25.0862.01001  
Title.

Prepared by the Legislative Council  
staff for Representative Brandenburg  
February 11, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1201

Introduced by

Representatives Brandenburg, Grueneich, Hagert, Headland, Mitskog, Warrey, Schreiber-Beck

Senators Erbele, Luick, Weber, Wanzek

1 A BILL ~~for an Act to amend and reenact section 61-16.1-43 of the North Dakota Century Code,~~  
2 ~~relating to drains intersecting with a roadway that is part of the state highway system.~~ for an Act  
3 to amend and reenact section 61-04-03.1 of the North Dakota Century Code, relating to a  
4 limitation on the amount of water not applied to beneficial use.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 ~~SECTION 1. AMENDMENT. Section 61-16.1-43 of the North Dakota Century Code is~~  
7 ~~amended and reenacted as follows:~~  
8 ~~61-16.1-43. Construction of bridges and culverts—Costs—Specifications.~~  
9 ~~1. The water resource board shall construct any bridges or culverts over or in connection~~  
10 ~~with a drain as in its judgment may be necessary to furnish passage from one part to~~  
11 ~~another of any private farm or tract of land intersected by the drain. The cost of~~  
12 ~~constructing the bridge or culvert must be charged as part of the cost of constructing~~  
13 ~~the drain. The bridge or culvert must be maintained under the authority of the water~~  
14 ~~resource board, and the necessary expense must be deemed a part of the cost of~~  
15 ~~maintenance.~~  
16 ~~2. When any bridge or culvert is to be constructed on a county or township highway~~  
17 ~~system over and across or in connection with a drain, the water resource board shall~~  
18 ~~notify the county or township with authority for the highway and provide the county or~~  
19 ~~township reasonable time to review and provide input on the plans for the bridge or~~  
20 ~~culvert. The bridge or culvert must be maintained by the county or township and all~~

- 1        ~~necessary maintenance expenses must be borne forty percent by the county and sixty-~~  
2        ~~percent by the water resource board, unless otherwise agreed upon by the water~~  
3        ~~resource board and the highway authority. If the highway authority and the water~~  
4        ~~resource board cannot agree on the necessity or proper methodology for maintaining~~  
5        ~~the bridge or culvert, the requesting party may appeal the denial under chapter 28-34.~~  
6        ~~The cost of constructing the bridge or culvert must be shared in the following manner:~~  
7        ~~a. If funds are available, the state water commission may participate according to~~  
8        ~~the commission's rules or policies. The remaining cost must be borne forty~~  
9        ~~percent by the county and sixty percent by the district that created the need for~~  
10       ~~the construction.~~  
11       ~~b. If funds are not available to the commission for participation, forty percent of the~~  
12       ~~cost must be paid by the county and sixty percent must be charged as the cost of~~  
13       ~~the drain to the district.~~  
14       ~~c. Upon request from the water resource board, the county shall request federal~~  
15       ~~emergency funds for the construction. If the bridge or culvert is constructed with~~  
16       ~~federal financial participation, including any federal emergency funds, the costs~~  
17       ~~exceeding the amount of the federal participation must be borne by the district~~  
18       ~~and county according to the provisions of this section.~~  
19       ~~3. If a roadway that is part of the state highway system and which contains a culvert~~  
20       ~~intersects with a drain and the watershed of the drain spans three or more counties,~~  
21       ~~the culvert must include a control valve system to regulate the flow of water through~~  
22       ~~the culvert.~~

23       **SECTION 1. AMENDMENT.** Section 61-04-03.1 of the North Dakota Century Code is  
24       amended and reenacted as follows:

25       **61-04-03.1. Limitation on amount of water.**

26       An applicant may not apply for a permit or permits for irrigation which, if approved, would  
27       enable a person, at any one time, to hold a conditional water permit or permits for more than  
28       seven hundred twenty acre-feet [888106.75 cubic meters] of water from a single surface or  
29       ground water source that has not been applied to beneficial use. Applications submitted in  
30       violation of this section may not be assigned a priority date and must be returned to the  
31       applicant by the department of water resources. This section may not apply to water permit



Sixty-ninth  
Legislative Assembly

- 1 applications from the Missouri River or to applications submitted by irrigation districts organized
- 2 pursuant to this title. For the purposes of this section, "person", when applied to an individual,
- 3 means the individual and the individual's spouse and dependents within the meaning of the
- 4 Internal Revenue Code [26 U.S.C. 152].

**Brandenburg, Michael D.**

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**From:** Haase, Reice <rehaase@nd.gov>  
**Sent:** Tuesday, February 11, 2025 12:33 PM  
**To:** Brandenburg, Michael D.  
**Subject:** Irrigation Language

Rep. Brandenburg,

Below is a summary of what the irrigation language accomplishes:

- The proposed language change aims to make North Dakota Century Code § 61-04-03.1 more flexible.
- Right now, an applicant can't submit more applications for a conditional water permit for irrigation if they already have applications requesting a total of 720 acre-feet for irrigation or are approved for irrigation that hasn't been developed.
- However, in some parts of the state, there are pending applications for irrigation from sources that are close to full appropriation. These applications might not be approved for a long time due to lack of available water, but these applications have been submitted to establish a priority date should additional water become available.
- Under the current statute, any individual who has submitted applications for irrigation totaling up to 720 requested acre-feet can't apply for water from a different aquifer or surface water source (except for the Missouri River).
- This language allows the applicant to apply for an irrigation permit or permits from different sources

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1201

2/20/2025

Relating to drains intersecting with a roadway that is part of the state highway system.
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11:27 a.m. Chairman Porter opened the hearing.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,  
Representatives: Dockter, Hagert, Headland, Johnson, Marschall, Olson, Conmy, Foss

Members Absent: Representatives Heinert, Ruby

### Discussion Topics:

- Committee action

11:29 a.m. Representative J. Olson moved to adopt Amendment LC: 25.0862.01001.  
(Proposed during February 20, 2025, 11:06 a.m. meeting in testimony #37615)

11:29 a.m. Representative Headland seconded the motion.

11:29 a.m. Voice Vote

11:29 a.m. Motion passed

11:29 a.m. Representative Hagert moved a Do Pass as Amended.

11:29 a.m. Representative Dockter seconded the motion.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Anna Novak	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Austin Foss	Y
Representative Jared c. Hagert	Y
Representative Craig Headland	Y
Representative Pat D. Heinert	A
Representative Jorin Johnson	Y
Representative Andrew Marschall	Y
Representative Jeremy L. Olson	Y
Representative Matthew Ruby	A

11:30 a.m. Motion passed 11-0-2

11:30 a.m. Representative Hagert will carry the bill.

11:30 a.m. Chairman Porter closed the hearing.

*Wyatt Armstrong for Leah Kuball, Committee Clerk*

Sixty-ninth  
Legislative Assembly  
of North Dakota

PROPOSED AMENDMENTS TO

HB  
2/20/25  
1 of 3

HOUSE BILL NO. 1201

Introduced by

Representatives Brandenburg, Grueneich, Hagert, Headland, Mitskog, Warrey, Schreiber-Beck

Senators Erbele, Luick, Weber, Wanzek

1 A BILL for an Act to amend and reenact section 61-16.1-43 of the North Dakota Century Code,  
2 relating to drains intersecting with a roadway that is part of the state highway system, for an Act  
3 to amend and reenact section 61-04-03.1 of the North Dakota Century Code, relating to a  
4 limitation on the amount of water not applied to beneficial use.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 ~~SECTION 1. AMENDMENT. Section 61-16.1-43 of the North Dakota Century Code is~~  
7 ~~amended and reenacted as follows:~~

8 ~~61-16.1-43. Construction of bridges and culverts - Costs - Specifications.~~

9 ~~1. The water resource board shall construct any bridges or culverts over or in connection~~  
10 ~~with a drain as in its judgment may be necessary to furnish passage from one part to~~  
11 ~~another of any private farm or tract of land intersected by the drain. The cost of~~  
12 ~~constructing the bridge or culvert must be charged as part of the cost of constructing~~  
13 ~~the drain. The bridge or culvert must be maintained under the authority of the water~~  
14 ~~resource board, and the necessary expense must be deemed a part of the cost of~~  
15 ~~maintenance.~~

16 ~~2. When any bridge or culvert is to be constructed on a county or township highway~~  
17 ~~system over and across or in connection with a drain, the water resource board shall~~  
18 ~~notify the county or township with authority for the highway and provide the county or~~  
19 ~~township reasonable time to review and provide input on the plans for the bridge or~~  
20 ~~culvert. The bridge or culvert must be maintained by the county or township and all~~



~~necessary maintenance expenses must be borne forty percent by the county and sixty percent by the water resource board, unless otherwise agreed upon by the water resource board and the highway authority. If the highway authority and the water resource board cannot agree on the necessity or proper methodology for maintaining the bridge or culvert, the requesting party may appeal the denial under chapter 28-34. The cost of constructing the bridge or culvert must be shared in the following manner:~~

~~a. If funds are available, the state water commission may participate according to the commission's rules or policies. The remaining cost must be borne forty percent by the county and sixty percent by the district that created the need for the construction.~~

~~b. If funds are not available to the commission for participation, forty percent of the cost must be paid by the county and sixty percent must be charged as the cost of the drain to the district.~~

~~c. Upon request from the water resource board, the county shall request federal emergency funds for the construction. If the bridge or culvert is constructed with federal financial participation, including any federal emergency funds, the costs exceeding the amount of the federal participation must be borne by the district and county according to the provisions of this section.~~

~~3. If a roadway that is part of the state highway system and which contains a culvert intersects with a drain and the watershed of the drain spans three or more counties, the culvert must include a control valve system to regulate the flow of water through the culvert.~~

**SECTION 1. AMENDMENT.** Section 61-04-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**61-04-03.1. Limitation on amount of water.**

An applicant may not apply for a permit or permits for irrigation which, if approved, would enable a person, at any one time, to hold a conditional water permit or permits for more than seven hundred twenty acre-feet [888106.75 cubic meters] of water from a single surface or ground water source that has not been applied to beneficial use. Applications submitted in violation of this section may not be assigned a priority date and must be returned to the applicant by the department of water resources. This section may not apply to water permit



Sixty-ninth  
Legislative Assembly

- 1 applications from the Missouri River or to applications submitted by irrigation districts organized
- 2 pursuant to this title. For the purposes of this section, "person", when applied to an individual,
- 3 means the individual and the individual's spouse and dependents within the meaning of the
- 4 Internal Revenue Code [26 U.S.C. 152].

**REPORT OF STANDING COMMITTEE  
HB 1201**

**Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS** ([25.0862.01001](#)) and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT OR EXCUSED AND NOT VOTING). HB 1201 was placed on the Sixth order on the calendar.

**2025 SENATE AGRICULTURE AND VETERANS AFFAIRS**

**HB 1201**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1201

3/20/2025

A bill relating to a limitation on the amount of water not applied to beneficial use.
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2:30 p.m. Chairman Luick opened the hearing.

Members present: Chairman Luick, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

### Discussion Topics:

- Conditional water permits for irrigation
- Pending applications and available water
- The Water Commission and the Irrigation Association
- Legal drains

2:29 p.m. Representative Mike Brandenburg, District 28, testified in favor and introduced the bill.

2:32 p.m. Andrew Nygren, Water Appropriation Division Director, Department of Water Resources, testified in favor and submitted testimony #43051.

2:34 p.m. Chairman Luick closed the hearing.

2:35 p.m. Senator Lemm moved a Do Pass.

2:35 p.m. Senator Myrdal seconded the motion.

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Randy D. Lemm	Y
Senator Richard Marcellais	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Motion passed 6-0-0.

Senator Weston will carry the bill.

### Additional written testimony:

Rachel Grosz, Government Affair Liaison, ND Farm Bureau, submitted testimony #43275 in favor.

Senate Agriculture and Veterans Affairs Committee  
HB 1201  
3/20/25  
Page 2

2:34 p.m. Chairman Luick closed the hearing.

*Audrey Oswald, Committee Clerk*

**REPORT OF STANDING COMMITTEE  
ENGROSSED HB 1201 ([25.0862.02000](#))**

**Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1201 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.





Water Resources

Senate Agriculture and Veterans Affairs Committee

Testimony in Support of

**HB 1201**

March 20, 2025

## TESTIMONY OF

**Andrew Nygren, Division Director, Water Appropriation Division**

Chairman Luick, and members of the Senate Agriculture and Veterans Affairs Committee, I am Andrew Nygren, the Water Appropriation Division Director of the Department of Water Resources. I'm here today to provide testimony in support of amended HB 1201.

The amended bill before you today aims to make North Dakota Century Code § 61-04-03.1 more flexible. Right now, an applicant can't submit more applications for a conditional water permit for irrigation if they already have applications requesting a total of 720 acre-feet for irrigation or are approved for irrigation that hasn't been developed.

However, in some parts of the state, there are pending applications for irrigation from sources that are close to full appropriation. These applications might not be approved for a long time due to lack of available water, but these applications have been submitted to establish a priority date should additional water become available. Under the current statute, any individual who has submitted applications for irrigation totaling up to 720 requested acre-feet can't apply for water from a different aquifer or surface water source (except for the Missouri River).

This bill allows the applicant to apply for an irrigation permit or permits from different sources, limited to no more than 720 acre-feet per source except for the Missouri River.

Thank you for considering this change, and I'd be happy to answer any questions you have.



**Chairman Luick and Honorable Members of the Senate Agriculture and Veterans Affairs**

**Committee:** For the record, my name is Rachel Grosz; am writing on behalf of the North Dakota Farm Bureau (NDFB) to express our support for House Bill 1201, which proposes amendments to Century Code concerning drains intersecting with roadways that are part of the state highway system.

NDFB is an organization made up of 28,000 member-families and farmers and ranchers across our state develop our policy. Our goal is to enhance the livelihoods of North Dakotans, advocating for agriculture—our state's largest and most vital economic sector.

We believe effective water management is crucial for agricultural productivity, and the infrastructure supporting it must be efficient and reliable.

We commend the sponsors of HB 1201 for their dedication to improving North Dakota's water management infrastructure. Work addressing drainage and roadway intersection issues demonstrates a commitment to protecting both agricultural interests and public safety. By advocating for clearer guidelines and better maintenance, they are helping to ensure the long-term sustainability of our state's infrastructure and rural communities. We appreciate their efforts and strongly support this initiative.

HB 1201 addresses the construction and maintenance of bridges and culverts associated with drainage systems intersecting state highways. By clarifying responsibilities and ensuring that these structures are properly designed and maintained, the bill ensures improved water management, reduced flood risk, and protects both public and private lands.

In conclusion, NDFB supports HB 1201 as it represents a positive step toward enhancing our state's water management infrastructure, thereby benefiting the agricultural community and all North Dakotans.

Thank you for considering this important matter. We respectfully urge a "do-pass" recommendation from your committee.

Respectfully,

Rachel Grosz

Government Affairs Liaison – North Dakota Farm Bureau

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