

**2025 SENATE ENERGY AND NATURAL RESOURCES**

**SB 2044**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2044  
1/16/2025

Relating to watercourse determinations.
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9:30 a.m. Chairman Patten opened the hearing.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

### Discussion Topics:

- Watercourse determinations
- Role of the Department of Water Resources
- Local water resource districts
- Differences between waterways and watercourses

9:30 a.m. Aaron Carranza, Division Director, Regulatory Division, Department of Water Resources, testified in favor and submitted testimony #29153.

9:35 a.m. Jack Dwyer, Executive Secretary, Water Resources Districts Associations, testified in favor.

9:38 a.m. Chairman Patten closed the hearing.

9:38 a.m. Vice Chairman Kessel moved a Do Pass.

9:39 a.m. Senator Enget seconded the motion.

Senators	Vote
Senator Dale Patten	Y
Senator Greg Kessel	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Mark Enget	Y
Senator Justin Gerhardt	Y
Senator Desiree Van Oosting	Y

Motion Passed 7-0-0.

9:39 a.m. Senator Kessel will carry the bill.

9:39 a.m. Chairman Patten closed the hearing.

*Kendra McCann, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**SB 2044 ([25.8009.01000](#))**

**Energy and Natural Resources Committee (Sen. Patten, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2044 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.



Testimony in Support of  
**SB 2044**  
**Senate Energy & Natural Resources**  
January 16, 2025

TESTIMONY OF

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

Chairman Patten, and members of the Senate 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 support of SB 2044.

This bill is an effort by the Department of Water Resources (Department) to enhance and optimize services provided.

Currently, the question of whether a Watercourse (N.D.C.C. § 61-01-06(1)) is constituted may be asked of the Department of Water Resources by any water resource district. Water resource districts may also perform this analysis independently of the Department. Typically, the Department's workload and the prioritization of active permitting requests results in an extended processing time for the requests that come into the Department directly.

This bill proposes transitioning the Department from the primary request and determination role into an appeal remedy for any aggrieved party by a state or state political subdivision's watercourse determination. In addition, the new language makes clear the administrative appeal remedy for any Department decision resulting from the proposed appeal.

North Dakota Administrative Code ch. 89-15-01 outlines the process and considerations that would guide any watercourse determination in the state. The Department also created the attached graphic to help with understanding the determination process.

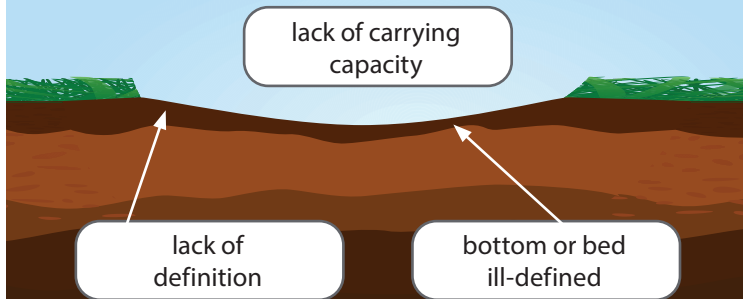
The move of the Department to an appeal remedy, as well as the creation of the review process in North Dakota Administrative Code, allows for more efficient processing of watercourse determinations throughout the state.

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

# WATER FEATURES

"Waterway" - An overarching term for "a natural, geologic feature that conveys surface water over land."  
A "watercourse" is a specific type of "waterway."

## WATERWAY N.D.C.C. § 61-01-06(2)



**Terminology** - Draw, Swale, Valley, all other Watercourse Terminology

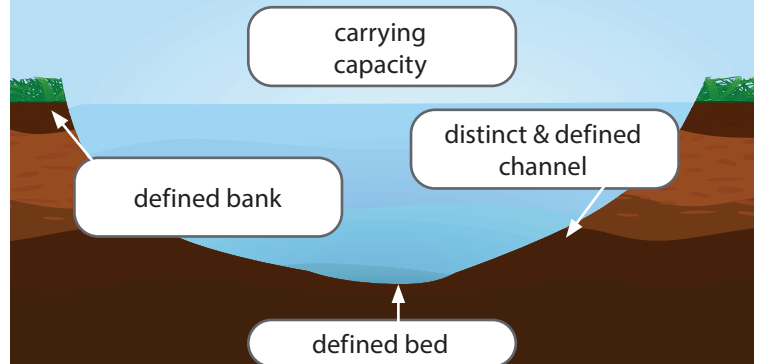
Not distinct nor defined

May convey water occasionally but lacks carrying capacity

Ag production in normal precipitation years



## WATERCOURSE N.D.C.C. § 61-01-06(1)



**Terminology** - River, Stream, Creek, Channel

Distinct & plainly defined channel of permanent character

Sufficient natural and accustomed flow

No Ag production in normal precipitation years



NORTH  
**Dakota**  
Be Legendary.

Water Resources

**2025 HOUSE ENERGY AND NATURAL RESOURCES**

**SB 2044**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2044

3/6/2025

Relating to watercourse determinations.
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10:06 a.m. Chairman Porter called the hearing to order.

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

### Discussion Topics:

- Permitting requests
- Efficient processing
- Watercourse determinations

10:06 a.m. Aaron Carranza, Division Director, Department of Water Resources, testified in favor and submitted testimony. #38917

10:09 a.m. Chairman Porter closed the hearing.

*Leah Kuball, Committee Clerk*



Testimony in Support of  
**SB 2044**  
**House Energy & Natural Resources**  
March 6, 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, Regulatory Division Director of the Department of Water Resources. I'm here today to provide testimony in support of SB 2044.

This bill is one of the red tape reduction efforts being pursued by the Department of Water Resources (Department) this session and seeks to amend the current process under North Dakota Century Code (N.D.C.C.) § 61-01-06(1) relating to "watercourse determinations."

Currently, the question of whether a watercourse is constituted may be asked of the Department by any water resource district. Water resource districts may also perform a watercourse determination independently of the Department.

When the Department is requested to perform a watercourse determination, the Department's workload and the prioritization of active permitting requests, ahead of watercourse determinations, results in an extended processing time for the watercourse determination requests.

This bill proposes transitioning the Department from the primary request and determination role into an appeal remedy for any party aggrieved by a state or state political subdivision's watercourse determination. In addition, the new language makes clear the administrative appeal remedy for any Department decision resulting from the proposed appeal of a Department decision.

The Department recently developed North Dakota Administrative Code ch. 89-15-01 to outline the process and considerations that would guide any watercourse determination in the state. The Department also created the attached graphic to help with understanding the determination process.

The move of the Department to an appeal remedy, as well as the creation of the review process in North Dakota Administrative Code, allows for more efficient processing of watercourse determinations throughout the state.

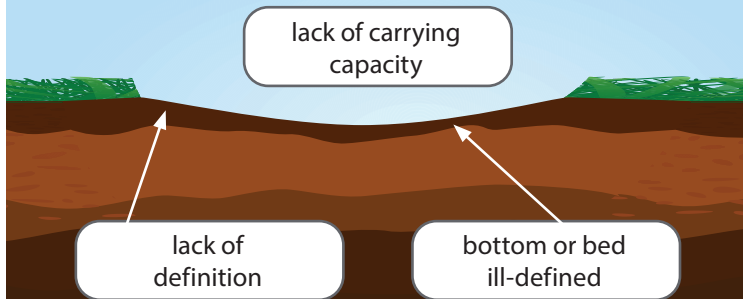
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## WATERWAY N.D.C.C. § 61-01-06(2)



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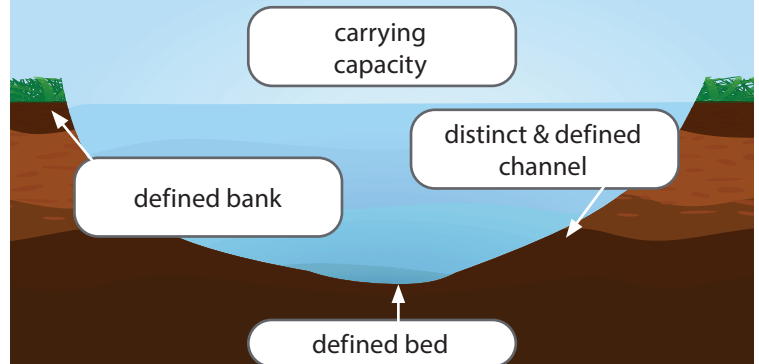
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Water Resources

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2044

3/6/2025

Relating to watercourse determinations.
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10:14 a.m. Chairman Porter called the hearing to order.

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

### Discussion Topics:

- Committee action

10:14 a.m. Representative Dockter Moved a Do Pass.

10:14 a.m. Representative Olson 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	Y
Representative Jorin Johnson	Y
Representative Andrew Marschall	Y
Representative Jeremy L. Olson	Y
Representative Matthew Ruby	Y

Motion carried: 13-0-0

10:15 a.m. Representative Heinert moved to place on consent calendar.

10:15 a.m. Representative Olson seconded the motion.

Voice vote: Motion carried

Bill carrier: Representative Foss

10:16 a.m. Chairman Porter adjourned the meeting.

*Leah Kuball, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**SB 2044 ([25.8009.01000](#))**

**Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2044 was placed on the Tenth order on the calendar.