North Dakota Legislative Council
Prepared for the Water Topics Overview Committee
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WATERSHED MANAGEMENT STUDY - BACKGROUND MEMORANDUM

Senate Bill No. 2210 (2025) (appendix) directs the Legislative Management to study the feasibility and desirability of assigning management authority for the waters of the state to the area located within the naturally occurring watershed, rather than assigning management authority based on political subdivision boundaries. The study must review the approaches used for managing water in surrounding states; the powers, duties, and organizational structure of watershed boards; dispute resolution procedures afforded to individuals residing within the boundaries of a watershed district; the mechanism to initiate, implement, and improve works projects within a watershed district; and the role of the Department of Water Resources (DWR) in mapping and establishing watershed boundaries.

Testimony in support of the study was received from elected officials, executive branch representatives, and agricultural and water organizations. Testimony indicated water should not be managed solely according to political subdivision boundaries because water traverses beyond political boundaries. Testimony indicated managing water on a watershed basis likely would improve coordination among stakeholders in the watershed, increase efficiency regarding decisionmaking within the watershed, and promote long-term sustainability of water resources of the state. Testimony indicated Minnesota partially manages water on a watershed basis, and the study would afford lawmakers and stakeholders the venue to weigh the pros and cons associated with watershed management jurisdiction, assessments, and governing body structures. Testimony indicated DWR conducted a study to understand watershed management further, which resulted in a recommendation to track watershed management across similar states and support cross-political boundary water management. No written opposition testimony was presented to the standing committees considering the study.

BACKGROUND

History

The management of the state's water resources has been an area regulated by the state since the time of statehood. In 1895, the Legislative Assembly enacted authority to establish legal drain boards to provide for the drainage of agricultural lands. In 1935, the Legislative Assembly established water control and conservation districts separate from legal drain boards and directed the State Water Conservation Commission not to consider county and township boundaries when creating water resource districts. Water conservation districts were responsible for a broad range of water management and water development matters at a local level. The initial water management laws, codified as North Dakota Century Code Chapter 61-16, remained virtually unchanged until 1957. At that time, the Legislative Assembly enacted a comprehensive reform of water management provisions and changed the name of local water conservation districts to water conservation and flood control districts. The State Water Conservation Commission retained authority to create districts and establish the boundaries upon receipt of a petition. The commission also was given the authority to include additional watershed areas benefited by the creation of the district. In 1973, the Legislative Assembly determined each county should have a water conservation and resource district and changed the name of these districts to water management districts. In 1977, the Legislative Assembly authorized joint boards to allow two or more water management districts to jointly do what one board could do alone. The first joint board was the Red River Joint Board, which was created in 1979.

Prior Legislative Studies

During the 1979-80 interim, the Natural Resources Committee studied water organizations. At that time, there were drain boards, water management districts, and joint boards, all of which were designed to manage water. The committee reviewed the Nebraska system, under which one district undertakes all the functions undertaken by separate water organizations and which are organized on watershed boundaries as opposed to political boundaries. The study resulted in a recommendation to change the term "legal drain" to "assessment drains" and the term "water management districts" to "water resource districts" and to require water resource district boundaries to be established along watershed lines where feasible. The recommendations also provided for the establishment of a minimum of 25 and a maximum of 40 water resource districts in the state. The study also resulted in a recommendation to abolish the existing water management districts and legal drain boards and to transfer the authority over drainage to water resource districts to avoid duplication of jurisdiction. The committee's recommendations were introduced as House Bill No. 1077 (1981), which was approved by the 1981 Legislative Assembly.

During the 1997-98 interim, the Garrison Diversion Overview Committee examined the feasibility of establishing watershed districts. The committee reviewed the 1977 legislation that authorized the creation of joint water resource district boards to allow water resource districts to work together on a watershed basis to solve common water problems. The committee was informed that, despite the ability to create joint water resource district boards, the management of water across political or county boundaries does not adequately address water management problems. Examples of issues presented to the committee included the inability of water resource districts to adequately address damage to roads and bridges resulting from upstream flooding that falls outside the jurisdiction of the water resource district. The committee also received testimony indicating county water resource districts were designed to establish and maintain natural and artificial drains but are not capable of handling larger water resource problems, such as the clearing and snagging of watercourses. To resolve these issues, the committee was informed water must be managed on a watershed basin basis. The committee was informed county water resource districts can raise sufficient revenue to establish and maintain drains, but a procedure was needed to enable the districts to raise additional revenue to address larger issues on a watershed basis. The State Engineer testified in favor of managing water based on hydrological, rather than political, boundaries and noted significant progress had been made in addressing water management on a watershed basis since the passage of the study directive. This progress included the creation of the Red River Basin Board in North Dakota, South Dakota, Minnesota, and Manitoba to address water problems on a regionwide basis. The committee also was informed the association, its members, and the boards of county commissioners were opposed to the establishment of watershed districts. The committee considered draft legislation but did not recommend the legislation for introduction at the 1999 legislative session.

During the 2021-22 interim, the Water Topics Overview Committee studied the feasibility and desirability of the water resource boards in each drainage basin forming a joint water resource board to plan and construct water conveyance projects based on basinwide needs. The committee was informed water resource boards have statutory responsibilities to cooperate and plan on a basinwide basis. Section 61-16.1-10 requires water resource boards in a common river basin to meet jointly at least twice per year, cooperate and lend mutual assistance, jointly exercise their authority to effectively resolve the significant and common water resource management problems in the basin, and jointly develop a comprehensive plan for the river basin or region. The committee made no recommendations regarding its study of the desirability or feasibility of forming basinwide joint water resource districts.

NORTH DAKOTA LAW

The Department of Water Resources is the executive branch agency tasked with overseeing North Dakota's water resources. The department, previously called the State Engineer's office, was created by House Bill No. 1353 (2021). The bill restructured the agency, required the Governor to appoint the Director of DWR, subject to the approval of the State Water Commission, and required the Director to hire a State Engineer. The department has the authority to investigate, plan, construct, and develop water-related projects, serving as a mechanism to financially support these efforts throughout the state. The department is comprised of seven divisions--Administration, Data and Atmospheric Resources, Planning and Education, Regulatory, State Engineer, Water Appropriation, and Water Development. The

department's mission is to responsibly manage the state's water needs and risks for the people's benefit. The department sustainably manages and develops the state's water resources for the health, safety, and prosperity of the state's people, businesses, agriculture, energy, industry, recreation, and natural resources.

Water resource districts primarily manage surface waters in the state. Chapter 61-16 outlines the procedure for creating a water resource district, and Chapter 61-16.1 governs the operation of water resource districts. Each county in the state has at least one water resource district governing water within its boundaries, and some counties have multiple districts based on watershed boundaries within the county.[1] Joint boards consisting of members from several counties also exist in the state. Joint water resource district boards that have been created in the state include the Red River Joint Water Resource District Board, the Devils Lake Basin Joint Water Resource Board, the West River Joint Water Resource District Board, the Missouri River Joint Water Board, the Souris River Joint Board, the Rocky Run Joint Water Resource District Water Resource Board, the Upper Sheyenne River Joint Water Resource Board, and the James River Joint Water Resource District Board.[2] The goal of these joint boards is to manage water issues within hydrological boundaries, not political boundaries.

Senate Bill No. 2372 (2023) created Section 61-16.1-15.1. This section authorized the water resource districts from two or more counties to agree to construct or assign benefits and assessments for a project jointly. If such an agreement is entered, the participating districts are required to create a joint board under Section 61-16.1-11. This section authorized, but did not require, two or more districts to form a joint board if a project affects more than one county. However, Senate Bill No. 2276 (2025), further amended Section 61-16.1-15.1. This statute now requires the creation of a joint water resource board for any water project that benefits more than one county before levying an assessment for or commencing construction of the project. Section 61-16.1-15.1 provides if a joint board cannot agree on the necessity of the project, the joint board must submit the dispute to mediation, and if mediation is unsuccessful, a member of the joint board may file an appeal with DWR. This statute authorizes a member of the joint board to appeal DWR's decision to the district court. The bill also amended Section 61-16.1-59, which provides if board members of a water resource district fail to form a joint board when required by law, a board within the common river basin may commence an action in district court to determine the dispute. The bill also amended Section 61-16.1-11, which now requires a joint water resource board to have equal representation from each county comprising the joint board. Under Section 61-16.1-15.1, joint water resource boards are required to follow the procedures under Sections 61-16.1-15 through 61-16.1-36 regarding the creation, construction, alteration, repair, operation, and maintenance of a project and an assessment district; the determination and levy of assessments against property benefited by the project; and special warrants.

The mandatory watershed-based approach only has been in effect since July 2025. To understand methods to maximize efficiency and effectiveness for managing water on a watershed basis, the committee may wish to collaborate with federal agencies responsible for managing the nation's watersheds and government entities in similarly situated states and existing in-state joint boards managing water on a watershed basis.

Another aspect of water management that could be exercised on a watershed basis is floodplain management. Floodplain management involves the participation of federal, state, and local entities. Chapter 61-16.2 authorizes DWR to guide the development of the floodplains of this state and provide state coordination and assistance to communities in floodplain management activities. Under Section 61-16.2-02(1)(b), a community is any political subdivision with zoning authority, which include counties, cities, and townships. Under Section 11-11-71, counties are authorized to exercise floodplain management over all lands within the counties, except for incorporated cities and townships that also exercise floodplain management. Section 40-05-27 authorizes incorporated cities to exercise floodplain

[1] *Water Resource Districts*, Department of Water Resources, September 2025. (https://www.swc.nd.gov/graphic_files/wrd_map.png)

[2] *Joint Water Resource Boards*, North Dakota Water Resource Districts Association, September 2025. (https://ndwater.org/organizations/north-dakota-water-resource-districts-association/)

management within the city's zoning jurisdiction. Section 58-06-11 authorizes a board of township supervisors to exercise floodplain management within the township's zoning jurisdiction if the township adopts a resolution declaring the intent to exercise that power.

The Department of Environmental Quality administers the state's watershed management program, which assesses stream, river, lake, and wetland water quality in the state. The department cooperates with many local, state, and federal partners. Chapter 61-28 authorizes the department to control and prevent pollution in the state's surface waters. Section 61-28-04 authorizes the department to enact administrative rules to control and abate pollution in surface waters in the state. North Dakota Administrative Code Chapter 33.1-16-02.1 enumerates the water quality standards of the state. It is through these statutes and rules that the department monitors and assesses pollution in North Dakota's surface waters.

FEDERAL LAW AND PROGRAMS

While this study focuses on determining how to manage waters within the state, federal laws and programs also exist which aim to protect watersheds and mitigate flooding in the state.

Watershed Protection and Flood Prevention Program

In 1953, Congress approved the federal Watershed Protection and Flood Prevention Act [68 Stat. 666; 16 U.S.C. 1001 et seq.]. The Act provided financial assistance to local agencies responsible for the management of secondary watersheds. The Natural Resources Conservation Service of the United States Department of Agriculture administers the Watershed Protection and Flood Prevention Operations Program pursuant to this Act. The program authorizes the Secretary of Agriculture to assist states and political subdivisions within a state in preparing and carrying out plans for works of improvement related to watershed management. The program is intended to alleviate erosion, floodwater, and sediment damage in the watersheds of the rivers and streams of the United States, which leads to loss of life and damage to property and constitutes "a menace to the national welfare." Under 16 U.S.C. 1003a, the program authorizes the Secretary of Agriculture to provide funding to a project sponsor seeking to "acquire perpetual wetland or floodplain conservation easements to perpetuate, restore and enhance the natural capability of wetlands and floodplains to retain excessive floodwaters, improve water quality and quantity, and provide habitat for fish and wildlife." The project sponsor is required to provide up to 50 percent of the cost of acquiring an easement under this program. The program aims to promote responsible floodplain management, agricultural water management, fish and wildlife habitat development, public recreation development, ground water recharge, water quality, conservation, proper utilization of land, and municipal and industrial water supply.

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was established by the National Flood Insurance Act of 1968 [Title XIII, Pub.L. 90-448; 82 Stat. 572; 42 U.S.C. 4001 et seq.]. The goal of the NFIP is to offer primary flood insurance to properties subject to significant flood risk and to reduce flood risk through effective floodplain management standards. Communities volunteer to participate in NFIP to have access to federal flood insurance. To participate in NFIP, the community must adopt minimum land use standards. The Federal Emergency Management Agency administers NFIP. The Federal Emergency Management Agency manages a Risk Mapping, Assessment and Planning program to create Flood Insurance Rate Maps (FIRMs). These FIRMs designate Special Flood Hazard Areas, which are areas at risk of annual flooding of 1 percent or greater. Participating communities must adopt a flood map and enact minimum standards to control development within a Special Flood Hazard Area. The Federal Emergency Management Agency encourages communities to enhance their floodplain management by offering reduced insurance rates through the Community Rating System. Under 44 CFR 59.24, NFIP reserves the right to place participating communities on probation or in suspension for failing to adopt FIRMs or maintain minimum floodplain standards. In communities that do not participate in NFIP or have been suspended, individuals cannot purchase NFIP insurance. Without participation in NFIP, communities must overcome numerous challenges before being considered for federal disaster assistance in flood-hazard areas.

Clean Water Act

In 1972, Congress enacted the Federal Water Pollution Control Act [Pub. L. 92-500; 86 Stat. 816; 33 U.S.C. 1251 et seq.], also known as the Clean Water Act, "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. 1251. The Act protects "navigable waters," which include waters of the United States and territorial seas. 33 U.S.C.A. 1362. However, because the Act does not create a definition for Waters of the United States (WOTUS), previous presidential administrations have defined WOTUS differently from their predecessors or successors. In 2023, the United States Supreme Court issued its ruling in *Sackett v. EPA*, 598 U.S. 651 (2023), in which the Court held that the meaning of "waters" under the Clean Water Act is limited to "only those relatively permanent, standing, or continuously flowing bodies of water." *Id*. The Court reasoned that the mere presence of water is too broad, and a definition of this nature would include puddles and isolated ponds, which are not navigable waters. *Id*. Thus, wetlands are not per se "waters of the United States;" rather, only those with a continuous surface connection to traditional navigable waters fall within that category. *Id*. Following the Court's decision, the Army Corps of Engineers and the Environmental Protection Agency issued a rule to align the definition of WOTUS to *Sackett*. The agencies stated they "will interpret the phrase waters of the United States consistent with the Supreme Court's decision." According to the Congressional Research Service, due to pending legal challenges across the country, the 2023 WOTUS Rule is currently in effect in 24 states, the District of Columbia, and all United States territories. In the remaining states, the federal government is interpreting WOTUS in accordance with the pre-2015 regulatory scheme, as established in *Sackett*. North Dakota is one of the states subject to the pre-2015 regulatory regime consistent with *Sackett*.

Army Corps of Engineers

The Army Corps of Engineers is a federal agency that aims to work with water management regulators to regulate watersheds in the United States. The corps offers assistance to states through the Planning Assistance to States Program, which was authorized under Section 22 of the federal Water Resources Development Act of 1974 [Pub. L. 93-251; 88 Stat. 16; 42 U.S.C. 1962d-16]. Under this program, the corps has the authority to provide technical assistance to state and local governments and nongovernmental organizations and study watershed issues. Studies conducted by the corps often result in the development of recommendations for informing investment and planning decisions by state and local governments and nongovernmental organizations. For a study conducted on behalf of a nongovernmental organization, the organization must contribute 50 percent of the costs associated with conducting the study. Past studies conducted by the corps include studies relating to watershed planning, water supply and demand, flood risk management, and water quality.[3]

APPROACHES BY OTHER STATES

Since the turn of the century states across the country have become more cognizant of managing surface water on a watershed basis. The following states have enacted laws to promote the governance of water on a watershed basis.

Minnesota

Minnesota is a state that manages certain aspects of water resources on a watershed basis. During the 1955 legislative session, the Minnesota Legislature enacted the Watershed Act, which created Chapter 103D of the Minnesota Statutes. One of the purposes of enacting this legislation was to address the difficulty of managing water based on political boundaries rather than natural hydrological boundaries.[4]

Section 103D.201 enumerates the purposes for which a watershed district would be created. These purposes include promoting public health and welfare; conserving natural resources; alleviating damage from floodwaters; improving the health of watercourses and water basins; irrigation; water supply for

[3] *Planning Assistance to States*, United States Army Corps of Engineers, September 2025. (https://www.usace.army.mil/Missions/Civil-Works/Technical-Assistance/Planning-Assistance/).

[4] *Minnesota Watershed District Guidebook*, Minnesota Association of Watershed Districts, June 2004. (https://www.leg.mn.gov/docs/2009/other/090428.pdf).

domestic, industrial, recreational, agricultural, and public use; promoting healthy sanitation and drainage practices; alleviating soil erosion; generating hydroelectric power; and protecting of ground water.

Under Section 103D.205, to begin establishing a watershed district, an establishment petition must be filed with the Board of Water and Soil Resources. This section provides the petition must include the name of the proposed district, a description and a map of the property within the proposed district, whether the creation of the district is necessary, projected improvements within the district, the public health and welfare reasons for establishing the district, the number of proposed managers in the district, and a list of potential nominees to serve as managers. Under Section 103D.205(3), the establishment petition must be signed by one or more of the statutorily listed groups. These groups are: one-half or more of the counties within the proposed watershed district; counties having 50 percent or more of the area within the proposed watershed district; a majority of the cities within the proposed watershed district; or 50 or more resident owners residing in the proposed watershed district, but excluding resident owners within the corporate limits of a city if the city has signed the petition. Petitioners are required to file the original establishment petition with the Board of Water and Soil Resources and a copy of the petition with the auditors of the counties affected by the proposed watershed district and the Director of the Division of Ecological and Water Resources of the Department of Natural Resources.

Once the establishment petition is filed, the Board of Water and Soil Resources has the authority to establish the watershed district, define the boundaries of the watershed district, and appoint the board managers of the district.

Sections 103D.211 through 103D.231 address the remaining procedures to establish a district. Sections 103D.251 through 103D.271 govern consolidation and termination of districts and modification of district boundaries. Sections 103D.301 through 103D.357 enumerate the powers and duties of district managers. Some of these powers include the right to exercise eminent domain, levy assessments, and undertake drainage authority within the watershed district. Sections 103D.401 and 103D.405 outline the requirements of the watershed management plan for each watershed district. Sections 103D.501 through 103D.551 provide for general provisions governing watershed districts. Sections 103D.615 through 103D.925 provide the requirements governing drainage system projects, the establishment of projects, emergency projects, project repairs and improvements, constructing and implementing projects, and funding watershed district activities and projects in the watershed.

Watershed districts also may exercise drainage powers under Chapter 103E because the districts are considered a drainage authority. Section 103E.005 defines a drainage authority as a board or joint county drainage authority with jurisdiction over a drainage system or project. This section defines board as "the board of commissioners of the county, a joint county board, the board of managers of the watershed district, or a metropolitan watershed management organization that serves as the drainage authority where the drainage system or project is located."

Soil and water conservation districts also have the authority to govern water resources in the state. These districts primarily conform to county boundaries.[5] Chapter 103C governs these districts. Conservation of soil, water, and related natural resources on private land is the leading objective of soil and water conservation districts. Section 103C.331 affords district boards several enumerated powers, including implementing water supply and conservation policies and plans, delineating water quality improvement practices, and improving, maintaining, operating, and administering a soil or water conservation, erosion control, erosion prevention, water quality improvement, watershed protection, flood prevention, or flood control project within its boundaries.

In 2010, the Local Government Water Roundtable released a comprehensive plan to manage water on a watershed basis across the state. The Minnesota Legislature enacted legislation in 2012 based on the recommendations in the plan. The roundtable issued additional recommendations through changes

[5] *Find your SWCD*, Minnesota Association of Soil and Water Conservation Districts, September 2024. (https://www.maswcd.org/find-your-swcd).

to the plan in 2013. In 2015, the Minnesota Legislature enacted those recommendations to establish requirements to transition water management in the state pursuant to comprehensive watershed plans. The roundtable and the enacted 2015 legislation, codified at Section 103B.801, serve to foster collaboration between local government units, soil and water conservation districts, and watershed districts, to manage water resources on a watershed basis, rather than based on political boundaries.[6] The statute outlines the purposes of implementing the comprehensive watershed management planning program, coordination policies, plan contents, transition timelines, and government authority to implement the plan. The statute requires the Board of Water and Soil Resources to create and adopt a watershed management transition plan to achieve a statewide transition to comprehensive watershed management plans by 2025. The plan may include the Minneapolis and Saint Paul metropolitan area and may not be amended more than once every 2 years. On August 24, 2023, the Board of Water and Soil Resources released its most recent plan. The plan establishes proposed watershed boundaries, stakeholder participation requirements, government planning agreements, proposed organizational structures for implementing the One Watershed, One Plan program, and procedures to develop the comprehensive plan.[7]

Iowa

The Iowa Legislature enacted House File No. 2459 (2010), which created watershed management authorities.[8] Since 2010, these provisions have been amended and are codified under Subchapter II of Chapter 466(B) of the Iowa Code. More than 25 watershed management authorities operate in Iowa.[9] Section 466B.22 allows two or more political subdivisions to execute a joint governance agreement to create a watershed management authority. The parties to the agreement must be located in the same United States Geological Survey hydrologic unit code 8 watershed. The United States Geological Survey develops hydrological codes to categorize and classify watersheds in the United States.[10] The agreement must include a map and cannot compel a political subdivision not a party to the agreement to participate in the water management authority. A board of directors governs the watershed management authority pursuant to Section 466B.24. Membership on the board must be divided equally among the political subdivisions, subject to the agreement. Members are appointed by the governing body of their respective political subdivisions for staggered terms of 4 years. Section 466B.23 outlines the powers and duties afforded to watershed management districts including assessing and reducing flood risks in the watershed, assessing and improving water quality in the watershed, monitoring federal flood risk planning and activities, educating watershed residents about water quality and flood risks, allocating funds available to the authority for water quality and flood mitigation, and executing contracts to perform the duties afforded to watershed management authorities. The section expressly prohibits a watershed management authority from acquiring property through eminent domain.

Iowa's drainage laws are found primarily in Chapter 468. Under Section 468.1, the board of county commissioners has the authority to form a drainage district or districts within the county. Thus, instead of managing drainage on a watershed basis, drainage authorities have the authority to manage drainage according to political subdivision boundaries. However, Part 1 of Subchapter II of Chapter 468 authorizes the creation of an intercounty drainage or levee district. These districts are formed to manage drainage over lands embracing land in two or more counties. Thus, if affected drainage authorities identify a project affecting landowners in more than one county, the drainage boards may file a joint petition to create a joint board to manage an intercounty drainage district.

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[6] *One Watershed, One Plan Program Evaluation*, Minnesota Management and Budget, May 2022. (https://bwsr.state.mn.us/sites/default/files/One%20Watershed%20One%20Plan%20Program%20Eval%20Final%20Report.pdf).

[7] *One Watershed, One Plan Operating Procedures 3.0*, Board of Water and Soil Resources, August 24, 2023. (https://bwsr.state.mn.us/sites/default/files/2023-08/3.0%201W1P%20Operating%20Procedures.pdf).

[8] 2010 Iowa Acts, House File No. 2459. (https://www.legis.iowa.gov/docs/publications/iactc/83.2/CH1116.pdf).

[9] *Current Iowa WMAs*, Iowa Department of Natural Resources, September 2025. (https://www.iowadnr.gov/environmental-protection/water-quality/watershed-improvement/watershed-management-authorities/current-iowa-wmas#mud-spring-camp-creeks).

[10] *Hydrologic Unit Codes (HUCs) Explained*, United States Geological Survey, September 2025. (https://nas.er.usgs.gov/hucs.aspx).

Utah

The Utah Legislature enacted House Bill No. 166 during the 2020 General Session to create watershed councils, which are codified under Part 3 of Chapter 10g of Title 73 of the Utah Code. The Utah Watersheds Council serves as a forum to encourage and facilitate discussion and collaboration by and among the stakeholders relative to the water-related interests of the state and the state's people and institutions. The Utah Watersheds Council also facilitates communication and coordination between state and federal agencies in the administration and implementation of water-related activities and facilitates the establishment of and oversees local councils. Local councils are required to encourage and facilitate discussion of and collaboration on watershed issues occurring in their respective watersheds. In Utah, 11 local watershed basins have been established under Section 73-10g-303. These local watershed basins are Bear River, Cedar/Beaver, Jordan River, Kanab Creek/Virgin River, Sevier River, Southeastern Utah, Uintah, Utah Lake, Weber River, West Colorado River, and West Desert. Utah also has one regional council, the Great Salt Lake Watershed Council, which consists of the Bear River, Weber River, Jordan River, Utah Lake, and West Desert watershed councils. The five watershed basins within the Great Salt Lake Watershed Council all drain into the Great Salt Lake in northwestern Utah.

The establishment of councils in Utah has promoted open and transparent stakeholder forums to discuss water policy and resource issues at watershed and state levels; however, the councils do not have any regulatory, financing, or enforcement powers.

SUGGESTED STUDY APPROACH

In conducting its study of assigning water management authority based on a watershed basis, the committee may wish to receive testimony from representatives from:

- The North Dakota Department of Agriculture;
- The DWR;
- The Department of Environmental Quality;
- The North Dakota Association of Water Resource Districts;
- The North Dakota Association of Counties;
- Governing bodies of joint boards operating in the state;
- Governing bodies of water resource districts in the state;
- Governing bodies of entities managing water on a watershed basis from other states;
- The United States Department of Agriculture's Natural Resources Conservation Service;
- The United States Environmental Protection Agency;
- The Bureau of Reclamation;
- The Army Corps of Engineers;
- The United States Forest Service; and
- Agricultural and water management groups operating in the state.

ATTACH:1