



North Dakota Legislative Council

Prepared for the Water Topics Overview Committee
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WATERSHED MANAGEMENT STUDY - INTERIM STATUS UPDATE

Senate Bill No. 2210 (2025) ([Appendix A](#)) 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.

PROPOSED STUDY PLAN

The background memorandum ([Appendix B](#)) presented to the committee at the beginning of the 2025-26 interim, related to the committee's study of 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, contains a proposed study plan. The proposed study plan suggests receiving testimony from state agencies, groups representing local political subdivisions, and out-of-state entities managing water according to watershed boundaries rather than political subdivision boundaries. The proposed study plan also included a suggestion to receive testimony from federal agencies involved in watershed management, if requested by committee members.

COMMITTEE ACTIVITIES

Presentations

Through the March 26, 2026, meeting, the Water Topics Overview Committee received the following information related to its study of 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:

- A presentation (Appendices [C](#) and [D](#)) by a representative from DWR regarding a statewide perspective on the committee's study on the feasibility and desirability of assigning management authority for the waters of the state to the area located in the naturally occurring watershed, rather than assigning management authority based on political subdivision boundaries.
- A presentation (Appendices [E](#) and [F](#)) by a representative from the North Dakota Water Users Association regarding a local, district-based perspective on the committee's study on the feasibility and desirability of assigning management authority for the waters of the state to the area located in the naturally occurring watershed, rather than assigning management authority based on political subdivision boundaries, and information regarding county water resource districts, joint basin boards, and joint project boards in the state.
- A presentation by a representative from the North Dakota Association of Counties regarding a county perspective on the committee's study on the feasibility and desirability of assigning management authority for the waters of the state to the area located in the naturally occurring watershed, rather than assigning management authority based on political subdivision boundaries.
- A presentation ([Appendix G](#)) by a representative from the Nebraska Association of Resources Districts regarding Nebraska's water management practices and whether those practices are

applicable to the committee's study on the feasibility and desirability of assigning management authority for the waters of the state to the area located in the naturally occurring watershed, rather than assigning management authority based on political subdivision boundaries.

- A presentation ([Appendix H](#)) by a representative of the Minnesota Board of Water and Soil Resources regarding Minnesota water management practices and whether those practices are applicable to the committee's study on the feasibility and desirability of assigning management authority for the waters of the state to the area located in the naturally occurring watershed, rather than assigning management authority based on political subdivision boundaries.

Testimony Received

Department of Water Resources

- DWR reviewed the management, advisory, and dispute resolution practices of Minnesota, Iowa, and Utah for comparison of practices that may work in North Dakota.
- The United States Geological Survey created hydrologic unit codes, which are used to define and manage drainage basins in the state.
- DWR considers watershed and drainage basin boundaries when determining whether to issue a drainage permit.

North Dakota Water Users Association

- As a result of Senate Bill No. 2276 (2025), all counties affected by a water project must participate in a joint project board and remedies are provided if a county refuses to participate, but the bill did not require that projects be approved by the board.
- Statutory changes that could be considered during the 2027 legislative session include removing DWR from the list of administrative remedy options, creating board membership requirements flexibility, providing clarification regarding if a project can proceed if a county refuses to join a joint project board, and providing clarification on processes when new projects are proposed or when there is a reassessment of existing projects.
- There is concern that assigning management authority for waters of the state to be on a watershed basis rather than a political subdivision basis will shift water management challenges, rather than solve challenges.
- If a change in water management authority is made, discussion will be needed regarding the definition of a watershed, the method of determining board memberships, the effect on water project funding, and the selection of jurisdictional boundaries.
- If a county enters litigation against another county for failing to levy an assessment, the court may require the losing party to pay the reasonable attorney's fees of the prevailing party.
- The majority of disagreements between counties are related to maintenance or replacement of existing water systems rather than new water projects.

North Dakota Association of Counties

- Almost all water challenges are handled amicably between counties, with a limited number of situations becoming contentious.
- Any changes to water management authority should be made slowly and carefully.

Nebraska Association of Resource Districts

- In Nebraska, natural resources districts (NRD), which manage agricultural drainage, are formed along watershed basin boundaries, rather than political subdivision boundaries.
- County conservation districts were abolished when Nebraska created NRDs in 1972.
- The authority to levy assessments for a project within a given watershed basin is vested in an NRD, rather than a county board or officer.

- The members serving on an NRD are elected, and the number of members serving on an NRD varies from 5 to 21 individuals.
- To access state and federal funds for an NRD project, an economic analysis must be conducted and the analysis must show the project has a positive economic benefit.

Minnesota Board of Water and Soil Resources

- Generally, there is an appetite to manage water on a watershed basis through watershed districts, but having several different local jurisdictions with water management authority has led to disagreements.
- Implementing the One Watershed, One Plan Program in Minnesota has strengthened relationships between the various local jurisdictions managing water in the state.

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