

**2025 Goals and Resolutions  
of the North Dakota Water Users Association,  
the North Dakota Water Resource Districts Association,  
and the North Dakota Irrigation Association**

**LONG TERM GOALS**

1. **PROTECTION OF WATER RESOURCES.** To preserve and protect our water resources for all beneficial uses. North Dakota's water resources will be endangered by downstream or outside interests if we do not prepare and fully utilize our water resources.
2. **NATIONAL WATER POLICY.** To work towards national water policy based upon (1) full recognition of the rights of all states to manage their water resources, (2) the inherent right and obligation of state, regional and local entities, with or without the federal government, to provide for the timely development of their water resources, (3) the proper role of the federal government being to assist and cooperate with states and their political subdivisions in meeting water resource needs and to provide financing for state and local projects as these are beneficial to the nation as well as the state.
3. **NORTH DAKOTA WATER SUPPLY.** To provide for water development for municipal, rural, industrial, irrigation, recreation, and other beneficial uses to improve the economy and quality of life in the entire State of North Dakota.
4. **MISSOURI RIVER.** We oppose any effort by the U.S. Army Corps of Engineers (USACE) or other Federal agency to modify the operation of the Missouri River for purposes of creating sand or silt land areas, or substantially altering flows for the purpose of endangered species habitat. It is further resolved that any such effort be subject to the requirements of an Environmental Impact Statement with specific emphasis upon the effects of such proposed actions upon the recreational and fishing industries of the river, the effect to surface water and ground water levels, the effect to community and irrigation intakes, the effect of bank erosion and water quality of the river, the impacts on flood conveyance and flood elevations, and the effect on the hydroelectric power generation capability of the system. We further urge the USACE to develop and implement a program to remove silt from the headwaters of the Oahe and Garrison Reservoirs. The USACE is requested to respect the State of North Dakota ownership of the bed of the Missouri River and apply for and secure Sovereign Land permits for work on state property.
5. **RIVERBANK PROTECTION.** To protect and stabilize the banks of the Missouri River between the Oahe Reservoir and Garrison Dam in North Dakota in accordance with the recommendations of the North Dakota Department of Water Resources and affected water resource districts. Protection of the banks of the Missouri and Yellowstone Rivers, including construction, operation, and maintenance of works, is an obligation under the Pick-Sloan Program and should be a USACE responsibility. The State of North Dakota has a responsibility to protect and stabilize the banks of the other rivers, including, but not limited to, the Yellowstone River, Heart River, Souris River, Little Missouri River, Forest River, Pembina River, Lower James River, Sheyenne River, Red River and Tongue River.
6. **GARRISON DIVERSION UNIT.** To develop and complete the Garrison Diversion Unit, in accordance with the Dakota Water Resources Act. The Garrison Diversion Unit will deliver Missouri River water to water-short areas for municipal, rural, industrial, irrigation, fish and wildlife and recreational purposes, thereby benefiting the entire state of North Dakota, the surrounding region, and the nation.
7. **IRRIGATION.** To develop North Dakota's water resources for irrigation, consistent with best management practices, for agricultural uses, and to improve and stabilize North Dakota's farm economy.

8. **ALLOCATION OF WATER.** To support efforts to develop groundwater and surface water modeling techniques which will provide a solid basis for water allocation and conservation decisions, and to support the North Dakota Department of Water Resources' continued policy to allocate water from aquifers in accordance with sustained yield to prevent the mining of North Dakota's aquifers.
9. **RURAL WATER.** To provide for an adequate and dependable supply of quality water at an affordable cost, for municipal, domestic, and rural uses through rural water delivery systems in all areas of North Dakota, and thereby enhance the quality of life in rural North Dakota.
10. **WATER FOR INDUSTRY.** To support North Dakota's position as an attractive location for energy, energy by-product, and industrial development, through the availability of an adequate supply of water for such purposes, to maintain and increase employment and economic opportunities for our state and local communities.
11. **FLOOD CONTROL.** To effectively control flooding in the Souris River basin, the Devils Lake basin, along the James River, along the Red River and its tributaries, including the Sheyenne River, the Pembina River, the Park River, the Turtle River the Knife River and its tributaries, the Missouri River and tributaries and other rivers and streams in North Dakota which experience reoccurring flooding, so that the destruction and loss as caused by flooding and the flood risks can be minimized.
12. **GOVERNMENT REGULATION.** To streamline or reduce government regulations and defeat initiatives which adversely affect water development options and the opportunities to reasonably manage water resources.
13. **WATER QUALITY PROTECTION.** To protect the quality of North Dakota's water resources from man-made contamination. To support educational efforts so that all North Dakota citizens will better understand our water resources, the interaction of surface water and ground water and potential contamination sources, and the need for maintenance and protection of water quality.
14. **WEATHER MODIFICATION.** To support the North Dakota Cloud Modification Project and continued funding for weather modification activities and programs, including research and evaluation of atmospheric resources, expand cloud modification activities in the state; and to continue to form the technical base for further scientific progress and economic development.
15. **FLOOD PLAIN MANAGEMENT.** To urge flood-prone communities in North Dakota to adopt and enforce flood plain management ordinances and limit development in flood-prone areas to reduce future flood risks.
16. **COST-SHARING.** To work towards the adoption of sound and sustainable state and federal cost-sharing policies to provide adequate funding for water supply and water resource projects.
17. **SOIL AND WATER CONSERVATION.** To support aggressive and sound programs for the conservation of soil, water, and related natural resources.
18. **COMPENSATION TO LANDOWNERS FOR WETLANDS.** To continue existing programs and develop new programs which adequately compensate farmers and ranchers on a voluntary, short-term basis for wetland retention and restoration, and to provide economic incentive for long-term wetland conservation.

19. **WATER-BASED RECREATION.** To work towards developing new and enhancing existing park and water-based recreation areas and facilities to meet the day, weekend recreation and vacation needs of people, and thereby broaden the economic base of North Dakota.
20. **WATER EDUCATION.** To support the water education, outreach, and informational programs of the North Dakota Water Education Foundation for youth, educators, and the general public.
21. **RESOURCES TRUST FUND (RTF).** We oppose any reduction or diversion of the 20.5 percent of oil and gas extraction tax collections deposited into the RTF dedicated to water funding.
22. **PROJECT FINANCE.** We support credit options through the Bank of North Dakota, Public Finance Authority, and the Legacy Fund to finance local cost-share of water infrastructure.
23. **STATE WATER FUNDING.** We support the State of North Dakota issuing infrastructure bonds to cover the state share of water projects, with bond repayment from Legacy Fund earnings.
24. **LAKE SAKAKAWEA AND LAKE AUDUBON.** We support and encourage the USACE to maintain the design status of the Lake Sakakawea and Lake Audubon reservoirs to ensure their continued operations and functional capacity to supply water to all current and future users in North Dakota, including the Garrison Diversion Project and its related features. In addition, we support future modifications to the principal and emergency spillway facilities on the Garrison Dam to comply with updated hydrology and current dam safety design standards.
25. **FUTURE WATER FUNDING.** We support exploring equitable taxation of alternative and/or renewable energy sources to replace revenue decreases in the Resources Trust Fund.

## RESOLUTIONS AND POSITIONS

1. **MISSOURI RIVER ADVOCACY.** We support efforts to advocate for the current and long-term protection of North Dakota's interests in the Missouri River.
2. **MISSOURI RIVER EDUCATION, ADVOCACY AND ENGAGEMENT.** We support the Missouri River Joint Water Board in their effort to educate the people of North Dakota regarding the history and value of the Missouri River. This will advocate to increase public awareness of the unfulfilled federal promises under the Pick-Sloan Plan (1944 Flood Control Act), and the potential state and local opportunities associated with this invaluable resource. The ability to engage the people of North Dakota and stakeholders to discuss the economic values and benefits from the Missouri River system requires a strategic approach. Therefore, we support and encourage this collaborative effort, agree to participate where applicable, and encourage ongoing actions regarding our investment and the realization of potential benefits from the Missouri River waters.
3. **MISSOURI RIVER AUTHORIZED PURPOSES.** We urge the water community to vigorously work to reduce the high priority of navigation and increase the upstream priorities of drought conservation and recreation and to work toward a process that balances input from upstream and downstream interests.
4. **MISSOURI RIVER FLOWS.** We oppose efforts by states along the Mississippi River to seek alteration of the Master Manual and thereby reduce benefits to upstream states of the Missouri River and the Pick-Sloan plan. We support the language in the Master Manual stating there is no authorization to operate the Missouri River system to benefit the Mississippi River.
5. **MISSOURI RIVER PICK SLOAN RECOVERY PROGRAM.** We propose a North Dakota Missouri River Corridor Economic Recovery Act. The federal government should establish a substantial trust fund with earnings used to rebuild infrastructure and to fulfill the authorized purposes of the project, to compensate for what has been lost since construction of the main-stem Missouri River dams. Agencies in North Dakota would oversee the proposed plans and monitor progress.
6. **FEDERAL WATER CHARGE.** We strongly oppose any water charge by the federal government on any water withdrawal from the mainstem Missouri River Reservoirs for state beneficial uses. We oppose any federal permitting or access delays relative to the ability to use water of the Missouri River System. We further oppose any federal right-of-way or permitting moratorium on the use of such water for municipal, rural, industrial, irrigation and energy development needs. We also oppose any water storage or reservoir water use fees relative to the impounded water of the Missouri River system. We urge state and congressional leaders to aggressively defend the rights of states to issue permits for water use within each state and for federal agencies, to cooperate with states in allowing access and use of such waters. We hereby further urge state and congressional leaders to support the concept of state access to waters of the Missouri River system, including those impounded by reservoirs of the system, and to recognize the state right for unrestricted base flows as were available in the Missouri River system prior to the lake impoundments.
7. **SNAKE CREEK EMBANKMENT.** We urge the USACE to restore the Snake Creek embankment's integrity to allow it to be utilized for the purposes for which it was designed. The Snake Creek embankment was designed for a 67-foot differential. Not restoring the embankment's integrity could have a negative economic impact of \$30 million annually if irrigators are left without a water supply during low flow years. Additionally, a \$25 billion impact could be realized without the ability to use the Garrison Diversion Unit Project as a water supply for central and eastern North Dakota. Additionally,

removal of the coffer dam to facilitate better placement of the NAWIS intake should occur at the expense of the federal government.

8. **MISSOURI RIVER OPERATIONS.** The Pick-Sloan Project has divided the Missouri River in North Dakota into four distinct areas - Williston area, Lake Sakakawea, Garrison Dam to Bismarck, and Lake Oahe. Each area has different problems and opportunities. Until bank protection is completed on the Missouri River, we oppose high spring releases which could cause excessive bank erosion and a dangerous increase in the delta formation in south Bismarck-Mandan. We also oppose low summer releases which adversely impact many river users. We strongly support water conservation in the reservoirs during times of drought to extend the availability of water throughout the drought.
9. **MISSOURI RIVER TRUST.** We urge Congress to fund the Missouri River Trust so it can address Missouri River issues in North Dakota, including bank stabilization, riparian development, planning, siltation and other issues, as authorized under the Missouri River Protection and Improvement Act of 2000. The task force remains authorized, but without funding, has been inactive since 2013. We encourage active involvement to secure the funding for the Missouri River Trust.
10. **BANK STABILIZATION.** We urge Congress to appropriate sufficient funds and mandate the USACE implement bank stabilization projects on the free-flowing Missouri and Yellowstone Rivers and their tributaries on a timely basis. This will prevent the loss of additional high bottom lands, will reduce the build-up of the Oahe Delta and allow greater flexibility of Garrison Dam releases. We urge the USACE to promptly issue the required permits for both private and federal bank protection projects that meet health and hydrologic requirements. We strongly encourage our congressional delegation to assist Congress in allocating funding to the USACE Section 33 program, such that maintenance of federally constructed revetments is required due to deterioration or structural failure. Placement of monies into a dedicated fund is desired vs regular funding, which may not be used.
11. **GARRISON DIVERSION.** We commend the State's elected leadership for their strong, bi-partisan leadership and effort to support efforts to complete the following components of the Garrison Diversion project.
  - a. **RED RIVER VALLEY WATER SUPPLY.** The Red River Basin and central part of the state need a dependable and affordable high quality water supply for the cities of Fargo and Grand Forks, smaller communities, rural water systems, industry, ag processing, manufacturing and other purposes, to protect and enhance the economic stability and quality of life. We support municipal, rural, and industrial (MR&I) funding for a supplemental water supply for eastern and central North Dakota. Funding is necessary for the long-term economic vitality and quality of life in North Dakota. We support the protection of existing irrigation, industrial, and other current water uses.
  - b. **MUNICIPAL, RURAL, AND INDUSTRIAL (MR&I) PROJECTS.** We support federal legislation to provide necessary authority and funding for the Bureau of Reclamation to plan, design, implement and construct MR&I projects.
  - c. **RURAL AND TRIBAL WATER.** We support rural and tribal water supply projects. All communities and rural water systems need a dependable domestic water supply to preserve the heritage and quality of life in rural North Dakota. Citizens benefit from an adequate water supply for the long-term future.
  - d. **IRRIGATION.** North Dakota has tremendous potential to produce irrigated high value crops. We support irrigation from the McClusky Canal, and a dependable water supply for the Oakes Irrigation Test Area to enhance economic opportunities with traditional and high-value crops.

12. **BUREAU OF RECLAMATION FUNDING.** We urge the Bureau to provide priority funding to the Garrison Diversion MR&I program in North Dakota from its rural water funding allocation and increase funding based on indexing authority in the Dakota Water Resources Act (DWRA) and restore a \$200 million ceiling to the DWRA.
13. **SOUTHWEST PIPELINE PROJECT.** We support the efforts and programs of Southwest Water Authority to bring much-needed domestic, rural, and municipal water to the people of southwest North Dakota. We support the workforce development in the region, recognizing the growth and economic expansion through energy development, and remain committed to continued construction of the Southwest Pipeline Project, which benefits all of North Dakota. The historic leadership of the North Dakota legislature to provide funding and state ownership of the Southwest Pipeline Project was a platform for improving the quality of place and quality of life for people of the region. To that extent looking forward, we support the continued state ownership of the Southwest Pipeline Project.
14. **NORTHWEST AREA WATER SUPPLY PROJECT (NAWS).** We support continued implementation and construction of the NAWS project to bring much needed municipal, rural and industrial water to the people in north central North Dakota.
15. **NAWS AUTHORITY BOARD.** We support the Northwest Area Water Supply (NAWS) Advisory Board becoming the NAWS Authority Board, with representation from the city of Minot, rural water districts, local municipalities, tribes or other stakeholders.
16. **WESTERN AREA WATER SUPPLY (WAWS).** We support continued construction and completion of the WAWS project to bring much needed water for domestic, municipal, and industrial purposes for the people of northwestern North Dakota. We support the transition of oversight of the Western Area Water Supply project to the State Water Commission.
17. **NORTH CENTRAL/SOUTH CENTRAL WATER SUPPLY.** We support the North Central and South Central Regional Water Supply Systems to provide rural water to areas of need for quality of life.
18. **TRIBAL RURAL WATER DEVELOPMENT.** We support the supply and distribution of clean, safe, and dependable water to Indian Reservations. We also support efforts of the North Dakota Tribes to access funds which have been authorized by the Dakota Water Resources Act of 2000, which are specifically designated to resolve the critical water shortages and needs on reservations. We also support the addition of tribal governments as an eligible project sponsor to receive cost share from the State Water Commission.
19. **DEVILS LAKE AND STUMP LAKE BASIN.** We support the long-term efforts to manage the levels of Devils Lake and Stump Lake, to maintain the outstanding fishery, enhance water quality, protect local agricultural producers, and preserve the economic base in the Devils Lake region, including the Spirit Lake Nation. We commend the agencies responsible for the development of recreational enhancements at Devils Lake and Stump Lake. We urge the North Dakota Department of Water Resources to operate outlets to lower and control the level of Devils Lake to 1445 msl.
20. **SOURIS RIVER FLOOD CONTROL.** We support flood control along the Souris River in North Dakota and implementation of the Mouse River Enhanced Flood Control Project.
21. **SHEYENNE RIVER.** We support flood control within the Sheyenne River basin, including flood control facilities on its tributaries.

22. **WATER EDUCATION.** We support the continuation and growth of water education and public information efforts and programs and encourage all water agencies and organizations to make water education a high priority. Water education must provide a balanced approach to developmental, production, agriculture, and wildlife issues. We support Water Education for Teachers (WET), the North Dakota Water magazine, the North Dakota Wetlands Institute, and the North Dakota Watercourse programs.
23. **GROUND WATER MONITORING.** We urge the State of North Dakota to continue updating aquifer studies and closely monitor vulnerable water table (shallow) aquifers for the movement of pesticides and fertilizers into the water table. Where wells servicing public water supplies are present in these aquifers, monitoring around public water supply wells, and soil testing for nitrogen levels over aquifers used for public water supplies should be carried out by the Department of Water Resources and the North Dakota Department of Environmental Quality.
24. **GROUNDWATER RECHARGE.** We support the evaluation of groundwater recharge opportunities.
25. **WATER RESOURCES RESEARCH INSTITUTE.** We support the continued funding of the North Dakota Water Resources Research Institute with a greater emphasis on practical research affecting agricultural water uses and management.
26. **FEDERAL CLEAN WATER ACT.** We support state jurisdiction to control, protect, and monitor water resources. Private property rights should be recognized and respected in any amendments to the Clean Water Act.
27. **SECTION 404 AUTHORITY AND JURISDICTION.** We urge Congress to limit jurisdiction of Section 404 to waters which are in fact commercially navigable, and to prohibit any infringement of state and tribal water rights in the administration of Section 404 by the USACE. We request Congress to relax the Section 404 rules regarding the prohibition of placement of excavated sediment materials back into adjacent wetlands.
28. **SWAMPBUSTER AND WETLANDS DELINEATION.** All wetlands of one acre or less and all wetlands with a cropping history should be exempt from state and federal regulations. Wetlands designated as FW (farmed wetland) should be changed to PC (prior converted). Restoration of wetlands and created wetlands should qualify for mitigation. All complaints to the Farm Service Agency (FSA) of Swampbuster violations should be required to be in writing and become public information with names, addresses and organization. We recommend that Swampbuster rules provide greater flexibility and reasonableness. We are opposed to reclassification and or enlarging wetlands as a result of flooding which has occurred since the passage of Swampbuster in 1985.
29. **FISH AND WILDLIFE PROPERTY ACQUISITIONS.** We urge all requests to the boards of county commissioners for land acquisition by the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department be referred to the water resource boards for formal written recommendations.
30. **WETLANDS COOPERATION.** Efforts and programs to protect wetlands in North Dakota must accommodate the needs and concerns of agricultural producers and water resource districts. Efforts by the North Dakota Game and Fish Department, the U.S. Fish and Wildlife Service, private non-profit organizations, or any other entity to protect and preserve wetlands in North Dakota should recognize and accommodate state, local, and private water development objectives. We believe wildlife and water development and water management interests and objectives can be mutually accommodated, and we urge all agriculture, water, industry, local governmental interests, and wildlife interests to work together.

31. **FEDERAL WETLAND EASEMENTS.** If gubernatorial authorized acreage limitations for the acquisition of federal wetland easements under the small wetland acquisition program has been met in any county, we urge the water resource districts in that county to work with the Governor to make sure that acquisitions are not approved to exceed the gubernatorial authorized acreage limitations. We urge the congressional delegation to sponsor federal legislation to ensure that no acquisition can be made which would exceed previously approved limits and the easement term to not exceed 30 years. The Congressional delegation is urged introduce and support legislation to compensate landowners for adverse impacts caused by the management of easement and fee lands controlled by the U.S. Fish and Wildlife Service; including flooding, propagation of noxious weeds, insect and animal pests. We urge the Congressional delegation to introduce and support legislation that gives owners of land with existing Fish and Wildlife easements the option to renegotiate, renew, or buy out of the easement.
32. **WETLAND RESTORATION AND CREATION PROJECTS.** We urge that wetland restoration and creation projects include control structures to manage water levels for flood control with operational authorities vested under the jurisdiction of local water resource districts.
33. **EMERGENCY DRAINAGE.** We support efforts to improve the ability of landowners to obtain emergency drainage permit approvals. We believe the Natural Resources Conservation Service (NRCS), North Dakota Department of Water Resources, and USACE should recognize that excessive runoff years create significant hardships on landowners and requests to alleviate flooding should be accommodated. We also believe the drainage of sheetwater and flooded areas above wetland elevations should be allowed to be constructed on a permanent basis.
34. **FEDERAL REGULATORY REQUIREMENTS.** Federal regulatory requirements are obstructing efforts of water managers and water developers to build water infrastructure. Extensive delays or actual obstruction to water infrastructure project permitting make progress difficult on agriculture improvements, irrigation, rural water, water supply, flood control and other water needs. We support the following to improve the federal regulatory process.
  - a. We support amendment of federal statutes to streamline or limit federal regulatory requirements and federal regulatory jurisdiction.
  - b. We support developing a program and process with federal agencies for emergency situations.
35. **FEDERAL WETLANDS POLICY AND NATURAL RESOURCES.** We urge the federal government to adopt wetlands policy based on reasonableness, and balance of agriculture, water and wildlife concerns. State laws and programs should be recognized and accommodated. We urge that the Natural Resources Trust be directed to provide economic remedy for wetlands related depredation, and to emphasize voluntary, short-term wetland protection and enhancement programs.
36. **WILD SCENIC AND RECREATIONAL RIVERS.** We urge Congress to amend the "Wild and Scenic Rivers Act" (16 U.S.C. Section 12711) to require the concurrence of the State Legislature and public input before a river or segment of a river can be included in the federal wild and scenic rivers system; and to permit removal of a river from the federal system by State Legislative action. Adequate protection should be given to existing or future water supplies in designating rivers as wild and scenic. State authority to allocate water rights must be preserved in the designation of wild and scenic rivers. We oppose any recommendation made by any federal agency to federally designate the Little Missouri River or any segment or tributary as wild, scenic, or recreational, and we oppose the designation of any adjacent area as a wilderness area. We support efforts to provide access to and across the Little Missouri River, including, where feasible, efforts to secure 404 permits to construct a structure or structures across the Little Missouri River.



37. **IN LIEU OF TAX PAYMENTS.** We strongly urge federal legislation be enacted to require the U.S. Army Corps of Engineers, Bureau of Reclamation and U.S. Fish and Wildlife Service to make full property tax payments. We further recommend that Congress ensure that the U.S. Fish and Wildlife Service has sufficient funds to make all refuge revenue sharing payments. Enforcement and penalties for late or non-payment of property taxes should be applied the same for federal agencies as they are to any other delinquent property owner.
38. **FEDERAL HYDRO-POWER.** We oppose any attempts to remove power revenues as a means of repayment for existing and future multi-purpose water development projects. The ultimate development concept is crucial to reclamation in the West, and we strongly support its full implementation. We oppose a surcharge on hydro-power revenues for any purpose. We oppose sale of federal power marketing agencies to private interests.
39. **WEED CONTROL.** We urge all federal and state agencies to work with local weed control boards to eradicate noxious weeds on all federal and state-owned properties.
40. **STREAM CROSSING STANDARDS.** We support the use of an objective standard, such as the North Dakota stream crossing standards, to determine reasonable culvert sizes that avoid waters which flow into and accumulate in roadway ditches from overflowing onto adjacent and adjoining lands. We support allowing an engineering standard to be used in determining culvert sizes depending on topographic conditions. We support the ability of water resource boards to compel a determination by the Department of Water Resources or by the water resource boards of the required design discharge of an existing or proposed crossing according to stream crossing standards before or after a determination has been made by the applicable road authority. Further, we support efforts to improve the ability of townships and counties to obtain quick approval for emergency procedures for roadway drainage. We request that affected water resource districts and local road authorities can simultaneously meet with federal regulatory agencies at regularly scheduled interagency meetings in order to resolve regulatory issues on all projects.
41. **NATURE-BASED TOURISM.** We support the efforts of Garrison Diversion, the Bureau of Reclamation and the North Dakota Game and Fish Department to study the opportunities of nature-based tourism through the development of an eco-tourism model on the Lonetree Wildlife Management Area, and recreation areas related to the Garrison Diversion Project. We further support providing opportunities throughout North Dakota's public lands for development of areas that encourage appreciation and development for both man and nature.
42. **PEMBINA DIKE CONFLICT.** We support the resolution of Pembina/Manitoba dike conflict and to encourage legal, diplomatic, and public relation efforts to remove and eliminate obstructions to international waters, in accordance with international law and treaties, to reduce adverse impacts to North Dakota.
43. **PUBLIC LAW 566.** We urge Congress to continue funding for the P.L. 566 program and allow the use of funds for rehabilitation of existing retention facilities.
44. **WATER RETENTION.** We support water retention projects to support and enhance flood control efforts.
45. **KNIFE RIVER AND MERCER COUNTY.** We support Mercer County's request to the USACE for watershed study for the Knife River and its tributaries, to protect the communities of Golden Valley, Zap, Beulah, Hazen, and Stanton, and to minimize the impacts of Knife River flooding. We also support Mercer

County's request for funding from the State Water Commission to study Spring Creek and Antelope Creek to determine options to protect the communities of Zap, Beulah, Hazen, and Stanton from flood risks.

46. **USDA WILDLIFE SERVICES.** We support a bounty for beavers and muskrats to help control their numbers and reduce damage to infrastructure. We also support adequate federal funding for the USDA APHIS Wildlife Services.
47. **AQUATIC NUISANCE SPECIES.** We urge aggressive prevention of aquatic nuisance species (ANS) for North Dakota waters as outlined in the North Dakota aquatic species management plan prepared by the Aquatic Invasive Species Committee. We urge all federal and state agencies to adequately fund and provide the necessary authorities to implement aquatic nuisance species prevention programs in all North Dakota waters, and we support adequate funding for ANS education and enforcement. We support the actions and initiatives of the North Dakota Game and Fish Department in their efforts to educate, inform public and protect our states' waters from ANS. As these efforts are limited in scope due to their funding through licensing fees, we strongly encourage and support a direct State funding allocation to better protect our waters from the high risks associated with the invasion and adverse impacts associated with ANS.
48. **WATER MANAGEMENT, FLOOD CONTROL, AND CONVEYANCE COST-SHARE.** We support equitable cost-share for water management, flood control, and water conveyance projects, including rural water management, agriculture improvement, retention, ring dikes, snagging and clearing, and other local water management projects. We recommend that flood control projects such as the FM Diversion project, and the Mouse River Enhanced Flood Control Project, be included in separate line item appropriations due to their magnitude and scope. We urge the Legislature to enable and support funding for local water management projects as described herein, and that such projects be given adequate priority by the State Water Commission to enable cost share funding.
49. **FLOOD WATER MANAGEMENT EVALUATIONS.** Mitigating and/or preventing future damages and impacts by raising roadways has resulted in a significant federal, state and local expenditure of public funds, along with unmitigated agricultural production losses and structural damages on adjoining private lands. Therefore, we support evaluating the removal of excess floodwaters from lakes and wetlands as part of any alternative analysis to raising federal, state and local roadways. Such evaluations should determine if a more economically and environmentally sound alternative is available to remove floodwaters that would result in a longer-term sustainable infrastructure system.
50. **STATE APPROPRIATIONS.** We support state bonding to fulfill its cost-share of major water projects in order for the Resources Trust Fund to be available to support general water management, irrigation, regional water systems and rural water.
51. **ECONOMIC ANALYSIS.** We oppose the incorporation of benefit-cost principles in determining the feasibility and justification of state funding for water conveyance and flood control projects under \$5 million total project cost as stipulated by N.D.C.C. 61-03-21.4.
52. **LEGACY FUND.** We support proposals that would utilize the Legacy Fund for long-term low-interest infrastructure loans to local political subdivisions to construct water related infrastructure. We support the use of Legacy Fund earnings for grants to be used to repay water infrastructure investments for major flood control and water delivery projects.
53. **WATER STABILIZATION FUND.** We support the elimination of the water stabilization fund and support moving the funding currently in the fund to the Resources Trust Fund. If elimination is not politically possible, we support placing a cap on the water stabilization fund.

54. **STATE AUTHORITY ON FEDERAL LANDS.** We support federal legislation or other appropriate methods of providing states the ability to exercise state authority on federal lands, and to establish a procedure for the replacement or compensation of any value to the federal proprietary interest which may be diminished.
55. **DWR FUNDING.** We support funding the Department of Water Resources out of the general fund.
56. **WATER COALITION AND WATER INFRASTRUCTURE.** We support the Governor and Legislature allocating necessary funds to complete North Dakota's water infrastructure for economic growth and quality of life. We support the efforts of the Water Coalition to achieve consensus on allocating funds for North Dakota's water infrastructure.
57. **CONSERVATION INITIATIVES.** We oppose initiated measures that would create constitutional or mandated funding for acquisition purposes.
58. **ASSINIBOINE RIVER BASIN INITIATIVE.** We support the Assiniboine River Basin Initiative.
59. **NORTH DAKOTA MISSOURI RIVER ADVISORY COUNCIL (NDMRAC).** We support the efforts of the NDMRAC as it works to engage stakeholders in Missouri River issues and develop strategies related to protecting North Dakota's rights to Missouri River waters.
60. **WATER-TO-WATER TRANSFERS.** We support efforts to catalogue inter-basin water-to-water transfers in the United States and Canada.
61. **TAXATION OF WATER.** We oppose the taxation of water, water pipelines, and related water facilities by state or local government agencies.
62. **COST SHARE POLICY.**
  - a. We support improvements to the State Water Commission cost share policy to provide funding for property acquisitions, including fee title and easements based on appraisals and standards, for all categories of projects.
  - b. We urge the State Water Commission to provide cost-sharing for projects already under construction, or completed, which have been approved for cost sharing, but state funds have not been available.
  - c. We support state funding of a study of the impact of the Pick Sloan Plan on the region's economy.
  - d. Cost Share for Extraordinary Maintenance. We support continued SWC cost share for items currently defined as "extraordinary maintenance" in SWC cost share policy, regardless of whether the source of local funding is a maintenance levy authorized under N.D.C.C. 61-16.1-45.
63. **ACCESS TO THE MISSOURI RIVER SYSTEM.** We support unrestricted access to the Missouri River system across all federal lands, specifically USACE owned or controlled lands. Unrestricted shall mean access from private land, across such federal lands without a federal charge for such access and without unreasonable or burdensome requirements.
64. **DWRA OF 2024.** We support the Dakota Water Resources Act (DWRA) of 2024.

## **IRRIGATION**

65. **IRRIGATION.** We support the development of 350,000 acres of new irrigation in North Dakota, in accordance with the strategic plan of the North Dakota Irrigation Association for irrigation development in North Dakota. We support North Dakota's system for appropriating water, and we support the continuation and preservation of the prior appropriation doctrine and best management practices.
66. **IRRIGATION.** We support efforts to raise funds for renovation and improvements at the Oakes Irrigation Research station, and support NDSU research prioritizing funding requests for ongoing personnel and operations to continue the Oakes Irrigation Research station.
67. **IRRIGATION.** We support and urge the Department of Water Resources and Water Resource Districts to include beneficial uses, including irrigation, in studies and projects for flood control and retention of flood waters.
68. **HYDROPOWER FOR IRRIGATION.** We support the allocation of federal "project pumping" hydropower for the 51,000 acres of irrigation in the Missouri River Basin authorized in the Dakota Water Resources Act of 2000. We strongly urge the Bureau of Reclamation to work with North Dakota to achieve this objective.
69. **BUREAU OF RECLAMATION ACRE CAP.** We support lifting or altering the 960-acre cap on irrigation per entity irrigating from a Bureau of Reclamation project.
70. **MCCLUSKY CANAL.** We support funding for the Garrison Diversion Conservancy District to acquire the McClusky Canal thereby removing federal regulations from irrigators using the Canal.
71. **TEMPORARY WATER PERMITS.** We support the Department of Water Resources issuing temporary water permits to interested irrigators using groundwater or surface water. Permits would be issued on a year-by-year basis conditional on adequate water availability.
72. **STATE COST SHARE.** We support the State Water Commission increasing the cost share percentage on irrigation equipment in order to further incentivize the development of irrigation in North Dakota.
73. **STATE COST SHARE.** We support opening up cost share opportunities through the State Water Commission to individual irrigators in addition to irrigation districts.

## **WATER RESOURCE DISTRICTS**

74. **ASSESSMENT DRAINS.** We believe assessment drains provide crucial drainage relief for North Dakota farmers; provide outlets for agriculture and tile drainage; and protect local, county, and state road infrastructure from damages due to sustained saturation and uncontrolled drainage.
75. **ASSESSMENT DRAIN AUTHORITY.** We believe Water Resource Districts and local project sponsors are best equipped to determine which municipalities and properties benefit from assessment projects and how to fairly and equitably apportion assessment project costs. We oppose any mandate for Water Resource Districts to utilize the state economic analysis process to determine benefits and assessments for assessment projects.
76. **WATER IMPACT ON ROADS.** We support the responsibility of water resource districts to construct, maintain, and improve assessment drains for the benefit of the agricultural economy; for the benefit of road authorities throughout the state; and for the benefit of North Dakota landowners and taxpayers.

77. **QUICK TAKE AUTHORITY.** We strongly support the quick take authority for water resource districts and oppose any legislation that might limit or eliminate water resource district eminent domain or quick take authority.
78. **SNAGGING AND CLEARING.** We support legislation to increase the limit under the snagging and clearing special assessment authority to \$200,000 per project, with a corresponding increase in per acre assessment. The state, and not the adjoining landowners, should be responsible for maintenance of its navigable sovereign waters.
79. **DRAINAGE REGULATION.** We support water resource districts' authority to manage and regulate tile, subsurface, and surface drainage to ensure responsible watershed management and to protect downstream communities, landowners, and infrastructure. We support managed drainage as critical for the agricultural economy in North Dakota; for protection of public infrastructure; and for the benefit of all landowners and residents of North Dakota. We support an exception to volumetric construction permit thresholds for dikes that are exclusively agricultural in nature.
80. **ASSESSMENT DRAIN BENEFITS.** We support statutory language that clarifies authority for water resource districts to prohibit the use of assessment drains for draining lands outside of the assessment district. We support providing water resource districts with administrative discretion to incorporate lands into the assessment district without necessitating a reassessment of benefits, provided that system capacity considerations are evaluated. The revision of the assessment drains benefit framework is crucial to ensure all property that benefits from a drain is included in the assessment district, at the proper level. Properties situated both "at the top of the hill" and "at the bottom of the hill" derive benefits from water management and should be integrated into the assessment district at appropriate levels or percentages. We support statutory language to ensure all benefitting property, even if at different benefit percentages or in different political jurisdictions, is included in assessment processes as part of the same watershed.
81. **LANDOWNER INPUT.** We support a statutorily required informational meeting regarding a proposed assessment project after a preliminary engineering report and preliminary assessment list has been created in order to provide for additional notice to and input from landowners potentially impacted by the project.
82. **ASSESSMENT DRAIN MAINTENANCE.** We support Water Resource Districts' authority to repair and improve assessment drains to be capable of providing benefits for properties in the assessment district and to provide adequate drainage in the drain's watershed. Precipitation and engineering standards change over time, and design adjustments need to be made in the maintenance of drains. We support clear statutory language regarding when a WRD may utilize "maintenance" funds (under "maintenance levy" statutes) and when WRD must take a project to a vote of the assessment district. We support increasing the maximum maintenance levy from \$4/ag acre to account for inflation, and we support increasing the 6-year maximum on obligating an assessment district. We support changing the terminology from "maintenance levy" to "maintenance fee."
83. **INFRASTRUCTURE.** We support water resource related infrastructure funding proposals for local political subdivisions.
84. **TRANSFER OF CONTROL OF DAMS.** We support a legal process whereby water resource boards may transfer the control over a dam, dike, or other water conservation and flood control work or device to a political subdivision of the state.
85. **WATERSHED MANAGEMENT PILOT PROJECTS.** We support pilot projects for state watershed management grants to Water Resource Districts to coordinate efforts to address water quality,

sedimentation, flooding, retention, and other management challenges in implementing a basin-wide management plan. As a pilot project, the State Water Commission funds should be offered as a block grant to allow flexibility in leveraging state, local, and federal cost share dollars. To encourage local project prioritization, the pilot project should be a grant and exempt from State Water Commission cost share policy and economic analysis rules.

86. **PIPELINE AND UTILITY INFRASTRUCTURE.** We support legislation to require the owners and operators of underground pipeline and utility infrastructure to provide pre-construction notice to water resource districts of any proposed pipeline or utility, the proposed course of which will cross a natural watercourse or legal drain. We support legislation to establish minimum depth standards for pipeline or utility infrastructure to ensure this infrastructure does not create obstacles restricting water resource districts' ability to fulfil the legislative and public purpose of managing, conserving, protecting, developing, and controlling waters in North Dakota. We support legislation to provide water resource districts with permitting authority over pipeline or utility infrastructure to ensure the depth of the infrastructure allows water resource districts to carry out present and future projects in furtherance of their legislative and public purpose, and to ensure the efficacy of existing and future subsurface water management systems.
87. **DRAINAGE OR CONSTRUCTION PERMIT APPLICATIONS.** We support prompt drainage and construction permit review and approval, and we urge the Department of Water Resources (DWR) to implement an Administrative Rule or policy that requires DWR approve or deny a drainage or construction permit application or appeal within 120 days of submission of a completed application or appeal.
88. **JOINT BOARDS.** We support eliminating the mandate for a water resource district to participate on basin joint water resource districts. We support legislation to remove joint water resource districts from serving as an arbiter between individual districts. We support legislation to create a dispute resolution process between two or more individual water resource districts.
89. **ASSESSMENTS ACROSS COUNTY LINES.** We support legislation to clearly define water resource districts' ability to assess costs across water resource districts' boundaries in accordance with benefits.
90. **WATER DISPUTES.** We support evaluating and improving the water dispute resolution process in North Dakota.
91. **REASONABLE USE DOCTRINE.** We support codifying the Reasonable Use Doctrine and eliminating the requirement to exhaust administrative remedies to pursue civil remedies under the Reasonable Use Doctrine.