

2023 HOUSE ENERGY AND NATURAL RESOURCES

HB 1218

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1218
1/19/2023

Relating to the creation of the northwest area water supply authority; and to provide for application

Chairman Porter opened the hearing at 3:06PM.

Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby. No members absent.

Discussion Topics:

- NAWS project
- Advisory Committee
- Representation on board
- NAWS user fees

Representative Jon Nelson, bill sponsor, verbal support.

Andrea Travnicek, Director for Department of Water Resources, testified in support (#14349, #14639).

Dan Jonasson, Director of Public Works with the City of Minot, testified in support (#14432, #14433).

Dan Schaefer, Manager of All Seasons Water Users District, testified in support (#14512).

Additional written testimony:

Joddy Meidinger, testimony in support #21138.

Kenny Rogers, testimony in support #14546.

Merri Mooridian, Administrative Officer with Garrison Diversion Conservancy District, testimony in support #14309.

Dave Lang, President of North Dakota Water Users Association, testimony in support #14304.

Teresa Sundbak, General Manager for North Prairie Regional Water District, testimony in support #13809.

Closed hearing at 3:53 PM

Kathleen Davis, Committee Clerk
Minutes by Mary Brucker, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1218
2/10/2023

A bill relating to the creation of the northwest area water supply authority.

Chairman Porter opened the meeting at 10:09AM.

Members present: Chairman Porter, Vice Chairman Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Roers Jones, Olson, and Ruby. No members absent.

Discussion Topics:

- Proposed amendment
- Committee vote

Representative Ruby moved an amendment on page 1, line 12, strike “one who shall represent North Prairie rural water district.” On page 2, line 5, after “commission” include “that resides in the Souris River Basin.”

Representative Anderson seconded the motion.

Voice vote-Motion carried

Representative Ruby moved a Do Pass as Amended.

Representative Anderson seconded the motion.

Roll call vote:

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Pat D. Heinert	Y
Representative Zachary Ista	Y
Representative Jim Kasper	Y
Representative Andrew Marschall	Y
Representative Anna S. Novak	Y
Representative Jeremy Olson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y

House Energy and Natural Resources Committee
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Page 2

Motion carried 14-0-0

Representative Ruby is the bill carrier.

Chairman Porter adjourned at 10:18AM.

Kathleen Davis, Committee Clerk
Minutes completed by Mary Brucker, Committee Clerk

February 10, 2023

JA
2-10-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1218

Page 1, line 12, remove "one of whom shall represent North Prairie rural water district"

Page 1, line 13, after "2.", insert "One representative from the North Prairie regional water district.

3."

Page 1, line 18, overstrike "3." and insert immediately thereafter "4."

Page 1, line 21, overstrike "4." and insert immediately thereafter "5."

Page 1, line 22, replace "Two representatives" with "One representative"

Page 2, line 1, remove ", with one position being elected in every even-"

Page 2, line 2, remove "numbered year beginning in 2024"

Page 2, line 3, overstrike "5." and insert immediately thereafter "6."

Page 2, line 5, after "commission" insert "who resides in the Souris River Basin"

Page 2, line 7, overstrike "6." and insert immediately thereafter "7."

Page 2, line 11, overstrike "7." and insert immediately thereafter "8."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1218: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1218 was placed
on the Sixth order on the calendar.

Page 1, line 12, remove ", one of whom shall represent North Prairie rural water district"

Page 1, line 13, after "2.", insert "One representative from the North Prairie regional water district.

3."

Page 1, line 18, overstrike "3." and insert immediately thereafter "4."

Page 1, line 21, overstrike "4." and insert immediately thereafter "5."

Page 1, line 22, replace "Two representatives" with "One representative"

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Page 2, line 3, overstrike "5." and insert immediately thereafter "6."

Page 2, line 5, after "commission" insert "who resides in the Souris River Basin"

Page 2, line 7, overstrike "6." and insert immediately thereafter "7."

Page 2, line 11, overstrike "7." and insert immediately thereafter "8."

Renumber accordingly

2023 SENATE ENERGY AND NATURAL RESOURCES

HB 1218

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1218
3/2/2023

A bill relating to the creation of the northwest area water supply authority; and to provide for application.

9:15 AM Chairman Patten opened the meeting.
Chairman Larson and Senators Kessel, Kannianen, Beard, Boehm and Magrum are present.

Discussion Topics:

- State water commission
- Garrison Diversion
- Authority and staffing
- Staggering of terms
- Project ownerships

9:15 AM Representative Jon Nelson introduced the bill.

Andrea Travnicek, Director of the Department of Water Resources testified in favor of the bill and provided written testimony #21322.

9:24 AM Duane Dekrey, General Manager, Garrison Diversion Conservancy District testified in favor of the bill and provided written testimony #21639.

9:24 AM Jason Sorenson, Assistant Director of Public Works, City of Minot, testified in favor of the bill and provided written testimony #21512.

9:29 AM Eric Volk, Director of the North Dakota Rural Water Systems Association, testified in favor of the bill and provided written testimony #21737.

9:30 AM Jody Meidinger, Upper Souris Water District, spoke in favor of the bill.

9:30 AM Dan Schaefer, Manager, All Seasons Rural Water, testified in favor of the bill and provided written testimony #21578.

Additional written testimony:

Teresa Sundsbak #21306

9:31 AM Chairman Patten closed the public hearing

9:31 AM Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1218
3/2/2023

A bill relating to the creation of the northwest area water supply authority; and to provide for application
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11:18 AM Chairman Patten opened the meeting.

Chairman Patten and Senators Kessel, Kannianen, Beard, Boehm and Magrum are present.

Discussion Topics:

- Committee action

11:18 AM Senator Kannianen moves to adopt amendment LC 23.0631.02001.

Motion seconded by Senator Beard.

11:19 AM Roll call vote was taken.

Senators	Vote
Senator Dale Patten	Y
Senator Jeffery J. Magrum	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Jordan L. Kannianen	Y
Senator Greg Kessel	Y

Motion passes 6-0-0.

11:21 AM Senator Kannianen moves to Do Pass the bill as Amended.

Motion is seconded by Senator Beard.

11:21 Roll call vote was taken.

Senators	Vote
Senator Dale Patten	Y
Senator Jeffery J. Magrum	N
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Jordan L. Kannianen	Y
Senator Greg Kessel	Y

Motion passes 5-1-0.

Senator Kannianen will carry the bill.

This bill does not affect workforce development.

11:23 AM Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

23.0631.02001
Title.03000

Adopted by the Senate Energy and Natural
Resources Committee

March 2, 2023

AG
3-2-23
(1-1)

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1218

Page 1, line 9, replace "subsection 4" with "subsection 5"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1218, as engrossed: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1218 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 9, replace "subsection 4" with "subsection 5"

Renumber accordingly

TESTIMONY

HB 1218



January 17, 2023

Mr. Chairman and members of the committee.

North Prairie Regional Water District stands in support of House Bill 1218, relating to the creation of the Northwest Area Water Supply Authority as presented to this committee.

We look forward to working with the members of the Authority to develop a plan for legislative management regarding the transition of long-term operations and management of NAW's and it's future to water quality and sustainability for the people of North West North Dakota.

Teresa Sundsbak General Manger



DEDICATED TO PROTECTING, DEVELOPING, AND MANAGING NORTH DAKOTA'S WATER RESOURCES
PO Box 2254, Bismarck, ND 58502-2254 701-223-4615 • 701-223-4645 (Fax)

House Energy and Natural Resources Committee

Hearing for HB 1218

January 19, 2023

Testimony of Dave Lang, North Dakota Water Users Association

Chairman Porter and members of the House Energy and Natural Resources Committee thank you for the opportunity to provide testimony on HB 1218. The Water Users Association is the state-wide member organization dedicated to protecting, developing, and managing North Dakota's water resources. We have more than 150 members including local, statewide and regional organizations in North Dakota who have an active interest in water.

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 as it appears HB 1218 does.

Thank you for the opportunity to provide this testimony.

**Testimony of
Garrison Diversion Conservancy District
HB 1218 NAWS Authority
House Energy and Natural Resources Committee
Bismarck, North Dakota – January 19, 2023**

Representative Porter and members of the Energy and Natural Resources Committee, thank you for the opportunity to testify in support of House Bill 1218, the creation of a Northwest Area Water Supply (NAWS) authority. I am Merri Mooridian, Administrative Officer for the Garrison Diversion Conservancy District.

As a supporter of the NAWS project, Garrison Diversion also supports the creation of a NAWS authority.

Garrison Diversion operates the Snake Creek Pumping Plant out of which the water intake for the NAWS project is located. Therefore, our involvement with NAWS will be ongoing. Garrison Diversion has always maintained a seat on the NAWS advisory board, but will not be receiving water from NAWS; therefore, we support the proposal for a representative of Garrison Diversion to serve as a nonvoting member of the NAWS advisory board.

Thank you for allowing my testimony in support of the creation of a NAWS authority today.

Testimony
HB 1218—Department of Water Resources
House Energy and Natural Resources
Representative Todd Porter, Chairman
January 19, 2023

Chairman Porter, and members of the House Energy and Natural Resources Committee—I am Andrea Travnicek, the Director of the Department of Water Resources and the Secretary to the State Water Commission. I am here today to provide testimony in support of HB 1218.

The Northwest Area Water Supply (NAWS) project's purpose is to address long-standing water supply and poor water quality problems in northern North Dakota by delivering high quality Missouri River water to the region. NAWS was authorized by the Garrison Diversion Reformulation Act of 1986 and the Dakota Water Resources Act of 2000. Construction of NAWS began in April 2002, with a main line and associated features being built between the City of Minot and Lake Sakakawea. Later in 2002, lawsuits were initiated, delaying the project for years. After 17 years of litigation, the construction of NAWS started again in 2019. Currently, with various projects under construction that will move water from Lake Sakakawea to the City of Minot by Fall of 2024, there is a need to update and modernize the project's oversight.

In 1991, the 52nd Legislative Assembly passed N.D.C.C. ch. 61-24.6 creating the NAWS Advisory Committee and gave the State Water Commission (SWC) the authority to construct, operate, and manage the project. In 2021, the 67th Legislative Assembly passed HB 1063 that modified the Advisory Committee and refined the project area. The NAWS project area was modified to only include areas to be served by the project as it is currently envisioned. The initial project area included a ten-county area; however, some of the areas were eliminated as other water systems have begun to serve those areas since the authorizing legislation was passed. Representatives from the City of Williston and the Three Affiliated Tribes were removed, as neither entity will receive water from the project. The

representatives from the rural water districts, county water resource districts, and municipalities in the service area outside of Minot were also modified to remove Williams, Divide, and Mountrail Counties. Currently, the NAWS Advisory Committee consists of one person representing each of the following: Minot, water resource districts, SWC, Turtle Mountain, rural water, other municipal, Garrison Diversion Conservancy District, and an at-large member.

This Bill, HB 1218, would further adjust the make-up of the Committee and elevate the Advisory Committee to an Authority. The other larger regional water projects across the state, such as Western Area Water Supply, Southwest Pipeline Project, and Red River Valley Water Supply project, all have Authorities that assist with project oversight. This would put the NAWS project in line with the other regional water systems.

HB 1218 proposes to have four representatives from Minot recommended by the Minot City Council, one of whom shall represent North Prairie Regional Water District; one representative of All Seasons Water Users District, recommended by the All Seasons board of directors; one representative of the Upper Souris Water District, recommended by the Upper Souris board of directors; two representatives of cities other than the city of Minot with direct water service from NAWS; one representative from the SWC; one representative from the Garrison Diversion Conservancy District as a nonvoting member; and one representative of the Turtle Mountain Band of Chippewa Indians as a nonvoting member. Please see the last page of this testimony for a table outlining the previous and proposed changes. This proposed make-up provides equitable representation of all user groups.

The Department would like to suggest an amendment to page 1 line 12 replacing “rural” with “regional” to accurately reflect the name of the water district North Prairie Regional Water District.

The bill also provides length of terms for serving on the Authority, the role of the State Water Commission, and the Department of Water Resources providing staffing and support. The State Water Commission and the Department of Water Resources have worked with the member entities and the NAWS Advisory Committee to develop HB 1218.

Thank you for the opportunity to comment, and I would be happy to answer any questions you might have.

1991 NAWS Advisory Committee	2021 Revised NAWS Advisory Committee	2023 Proposed NAWS Authority
(1) City of Minot	(1) City of Minot	(4) City of Minot • 1 from North Prairie Regional Water District
(1) City of Williston	(1) City of Williston	
(1) County Water Resource District Representing: • Bottineau County • Burke County • Divide County • McHenry County • McLean County • Mountrail County • Pierce County • Renville County • Ward County • Williams County	(1) County Water Resource District Representing: • Bottineau County • Burke County • Divide County • McHenry County • McLean County • Mountrail County • Pierce County • Renville County • Ward County • Williams County	(2) Cities other than Minot with direct water service from NAWS
(1) SWC	(1) SWC	(1) SWC
(1) Three Affiliated Tribes	(1) Three Affiliated Tribes Turtle Mountain Band of Chippewa Indians-- Nonvoting	(1) Turtle Mountain Band of Chippewa Indians-- Nonvoting
(1) Rural water distribution system representative. Must be a resident of: • Bottineau County • Burke County • Divide County • McHenry County • McLean County • Mountrail County • Pierce County • Renville County • Ward County • Williams County	(1) Rural water distribution system representative. Must be a resident of: • Bottineau County • Burke County • Divide County • McHenry County • McLean County • Mountrail County • Pierce County • Renville County • Ward County • Williams County	(1) All Seasons Water Users District (1) Upper Souris Water District
(1) Garrison Diversion Conservancy District	(1) Garrison Diversion Conservancy District	(1) Garrison Diversion Conservancy District-- Nonvoting
(1) At-Large Representative	(1) At-Large Representative	
Total: 8 Voting	Total: 6 Voting 1 Nonvoting	Total: 9 Voting 2 Nonvoting

Exhibit 1 to Amendment No. 2

Customer	2008 Agreement Amount (Gallons Per Day)	Amendment 2 Amount (Gallons Per Day)	percent usage
Upper Souris Water District	127,000	297,000	2.9%
Berthold	88,600	60,000	0.6%
Kenmare	116,000	120,000	1.15 %
Mohall	92,000	88,500	0.8%
Sherwood	20,000	18,000	0.17%
All Seasons Water Users Distrct System III	127,000	127,000	1.2%
Carpio	18,000	-	
Burlington/West River	179,000	208,800	2.0%
Westhope	-	70,000	0.7%
Bottineau	-	450,000	4.3%
Total Daily Interim Flows	767,600	1,439,300	13.8%
Minot daily est. peak usage		9,000,000	86.2%

* included in Minots usage is approx. 717,000 per day gallon to NPRW

**House Energy and Natural Resources
Chairman – Representative Todd Porter
January 19, 2023**

**Testimony of Dan Jonasson
Director of Public Works, Minot
dan.jonasson@minotnd.org
701.857-4112**

HB 1218

Good afternoon, Chairman Porter and members of the House Energy and Natural Resources Committee. My name is Dan Jonasson and I am the Director of Public Works for the City of Minot.

Minot is in favor of the creation of the NAWS Authority to oversee the general operations and oversight of the NAWS system.

As you may be aware, NAWS is a complicated system with many different facets that need to be coordinated and maintained.

First, there is a biota treatment facility, with a federal interest in the construction and operations. Second, there is a municipal water plant in Minot that is owned and operated by the city of Minot. Finally, there are numerous tanks, pipelines and storage structures, which were constructed with Federal, State and Minot funds.

We feel the development of the NAWS authority is a great step forward in having an entity to coordinate and provide oversight in the operation and maintenance of these numerous facilities and capital investments.

We are, however, concerned with the proposed makeup of the authority proposed in HB 1218 and feel there needs to be more discussion and input toward the exact makeup of the NAWS authority board members. There doesn't seem to be a coordinated effort here to assure that all interests in the NAWS system are fairly represented.

Lets start with the City of Minot, who is the major user of the NAWS system water, with over 80% of the usage. Minot has provided the local cost share of 35% for the NAWS system. As a result, we think Minot should be allowed more than 3 seats(which is only 33% representation) on this authority Again, Minot is the major user at 80%+.

We agree there should be a seat provided for North Prairie, who currently purchases water through us from NAWS. However, it does not seem fair that Minot should give up one seat to provide this.

We request a more representative makeup on this authority, based on total water usage. As it sits now, the rural water systems are all equally represented, and each have a seat on the board or authority, but other areas of the NAWS system such as Bottineau, Kenmare, Berthold, Mohall and Burlington are asked to share two seats to represent them.

In closing, we ask, as I stated earlier that the makeup of this board be reviewed and a fair representation, based on usage be considered.

I have included with my testimony, an exhibit from our interim water supply agreement between the State DWR and Minot for reference as to the approximate daily max usage. This exhibit was created by DWR staff and is has been modified to include Minot's approx. max daily usage and the percentage of water usage is added for information.



January 18, 2023

RE: In Support of:
HB1218

Chairman Porter and Members of the Energy and Natural Resources
Committee:

All Seasons Water Users District supports House Bill 1218 relating to
the creation of the Northwest Area Water Supply Authority as
presented to the Committee.

The Northwest Area Water Supply (NAWS) Project will supply
Missouri River water to Northcentral and Northwest North Dakota.
The people of that area are currently and previously have been
provided water by the (3) three existing Rural Water Systems in that
area – All Seasons Water Users District, North Prairie Regional Water
District and Upper Souris Water District. NAWS will provided quality
water and the quantity of water needed to the area, which will
increase the sustainability all the individuals of Northcentral and
Northwest North Dakota.

With the creation of the NAWS Authority it will allow all the entities
that will be receiving water supplied by NAWS, to work together to
develop recommendations for Legislative Management regarding the
transition of long-term operations and management of NAWS.

All Seasons Water Users District looks forward to working with the
Authority to provide quality water to the area.

Daniel F. Schaefer, Manager
All Seasons Water Users District

**Testimony of
Kenny Rogers, NAWS Supporter
HB 1218 NAWS Authority
House Energy and Natural Resources Committee
Bismarck, North Dakota – January 19, 2023**

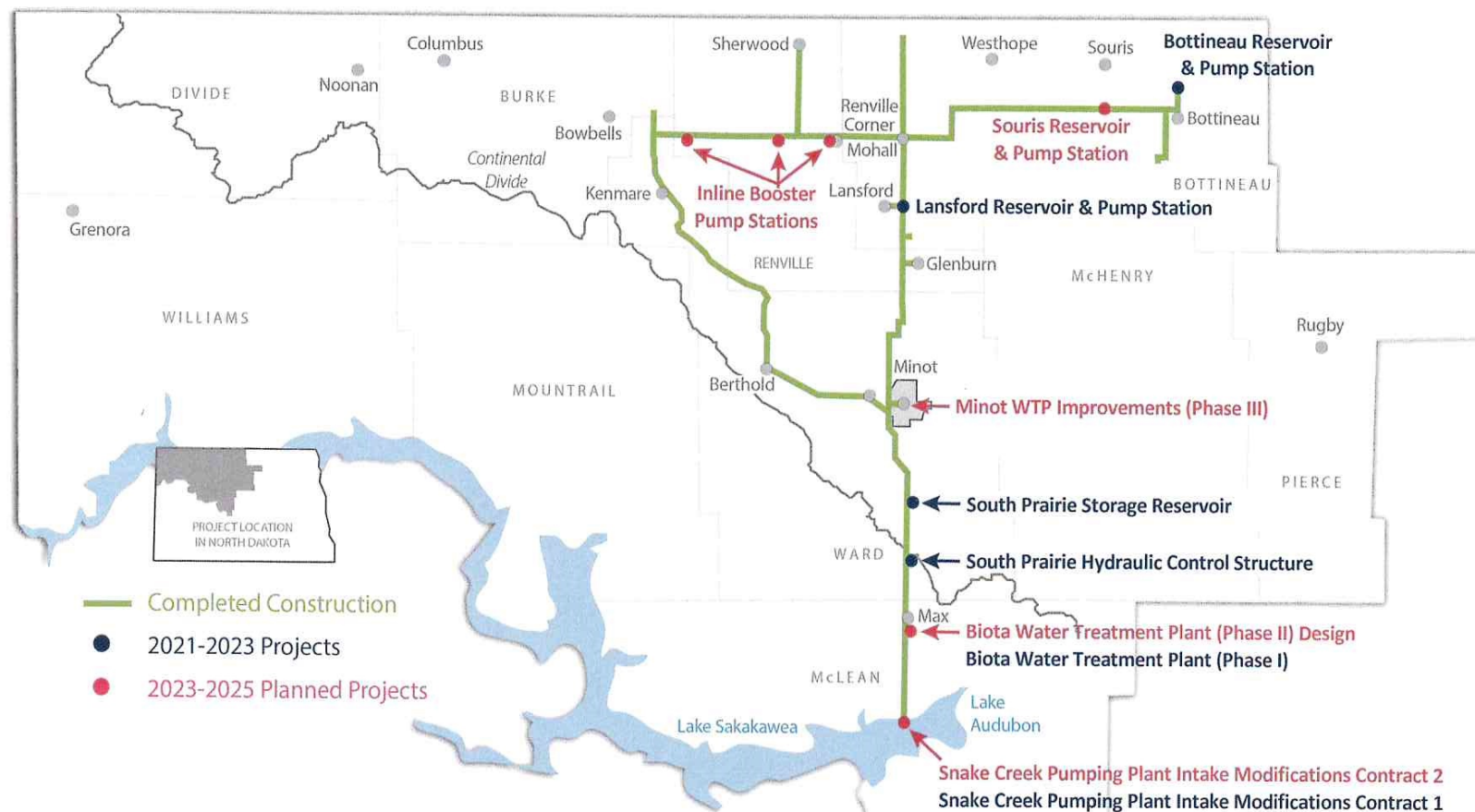
Representative Porter and members of the Energy and Natural Resources Committee, thank you for the opportunity to testify in support of House Bill 1218, the creation of a Northwest Area Water Supply (NAWS) authority. I am Kenny Rogers, a long-time supporter of the NAWS Project and I have some thoughts on what I would like to see in HB1218:

1. The NAWS project would be owned by the state of North Dakota
2. The NAWS authority would consist of 3 representatives from the City of Minot, 1 representative each from the rural water districts of ASWUD, North Prairie Rural Water District and the Upper Souris Rural Water District, 1 representative from the ND Department of Water Resources and 2 representatives from the other towns served by NAWS. Two non-voting members; 1 from Garrison Diversion and 1 from the Turtle Mountain Tribe. Meetings shall take place monthly.
3. The NAWS Project will be operated and maintained by the City of Minot with the managers of the 3 rural water systems (a team approach). After completion of the project, the engineering services will be provided under the city of Minot and the 3 rural water systems. If NAWS is expanded in the future, it would include engineering services from the ND Department of Water Resources.

4. A REM fund will be established between the ND Department of Water Resources and the NAWS authority.

I believe this would be the most effective operating system to provide the NAWS customers with the most efficient system and the most economical water rates.

Thank you for the opportunity to share my testimony.



NAWS PROJECT AREAS

TO: Chairman Porter and Members of the Energy and Natural Resources Committee
FROM: Mr. Joddy Meidinger, Manager, Upper Souris Water District
DATE: January 19, 2023
RE: House Bill 1218

Mr. Chairman, Members of the Committee:

Thank you for your service to the citizens of North Dakota and the opportunity to offer comments on HB1218. I am *generally* in favor of this bill, but only because I fully recognize the need for an authority to oversee the NAWS system and the inclusion of the Department of Water Resources to make sure we all get along in the sandbox.

Let's be frank, there are competing interests on this Authority. City versus rural. Who and how many votes each entity will receive if this bill passes has been determined solely by the amount of water historically consumed. That is a quick and easy way to do it, but is it equitable? Just because someone uses more of a resource does not necessarily mean they should control it at the expense of the rest. We all have to be on the same team.

A few weeks ago, I attended the 59th Annual Joint North Dakota Water Convention & Irrigation Workshop right here in Bismarck. If I learned anything at all, it was that we North Dakotans absolutely must prioritize our water usage toward the production of food. There are no ifs, ands, or buts about it. Every other story in the news is about the shortage of water across the U.S. and the world. We cannot lose sight of the importance water holds for the people in the rural regions - the true economic backbone of the State, and the people who grow our food.

It has been said that if we had to ration water during a drought, farmers would not be allowed to spray their crops. To which someone wisely replied, "I'd rather eat than bathe."

Deciding who sits on this Authority should not be based solely on water usage, but on the economic impact the rural regions have in our overall economy. If we forget to prioritize the production of food, and allow those who dwell in the cities to determine who gets water and who does not, we might all go hungry.

I guess that will put us on the same team after all.

Thank you for listening to my testimony. Again, I appreciate your service to the people of the State of North Dakota and wish you Godspeed on your decision-making responsibilities.



January 17, 2023

Mr. Chairman and members of the committee.

North Prairie Regional Water District stands in support of House Bill 1218, relating to the creation of the Northwest Area Water Supply Authority as presented to this committee.

We look forward to working with the members of the Authority to develop a plan for legislative management regarding the transition of long-term operations and management of NAW's and it's future to water quality and sustainability for the people of North West North Dakota.

Teresa Sundsbak General Manger

Testimony
HB 1218—Department of Water Resources
Senate Energy and Natural Resources
Senator Dale Patten, Chairman
March 2, 2023

Chairman Patten, and members of the Senate Energy and Natural Resources Committee—I am Andrea Travnicek, the Director of the Department of Water Resources and the Secretary to the State Water Commission. I am here today to provide testimony in support of HB 1218.

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In 1991, the 52nd Legislative Assembly passed N.D.C.C. ch. 61-24.6 creating the NAWS Advisory Committee and gave the State Water Commission (SWC) the authority to construct, operate, and manage the project. In 2021, the 67th Legislative Assembly passed HB 1063 that modified the Advisory Committee and refined the project area. The NAWS project area was modified to only include areas to be served by the project as it is currently envisioned. The initial project area included a ten-county area; however, some of the areas were eliminated as other water systems have begun to serve those areas since the authorizing legislation was passed. Representatives from the City of Williston and the Three Affiliated Tribes were removed, as neither entity will receive water from the project. The

representatives from the rural water districts, county water resource districts, and municipalities in the service area outside of Minot were also modified to remove Williams, Divide, and Mountrail Counties. Currently, the NAWS Advisory Committee consists of one person representing each of the following: Minot, water resource districts, SWC, Turtle Mountain, rural water, other municipal, Garrison Diversion Conservancy District, and an at-large member.

Engrossed HB 1218, would further adjust the make-up of the Committee and elevate the Advisory Committee to an Authority. The other larger regional water projects across the state, such as Western Area Water Supply, Southwest Pipeline Project, and Red River Valley Water Supply project, all have Authorities that assist with project oversight. This would put the NAWS project in line with the other regional water systems.

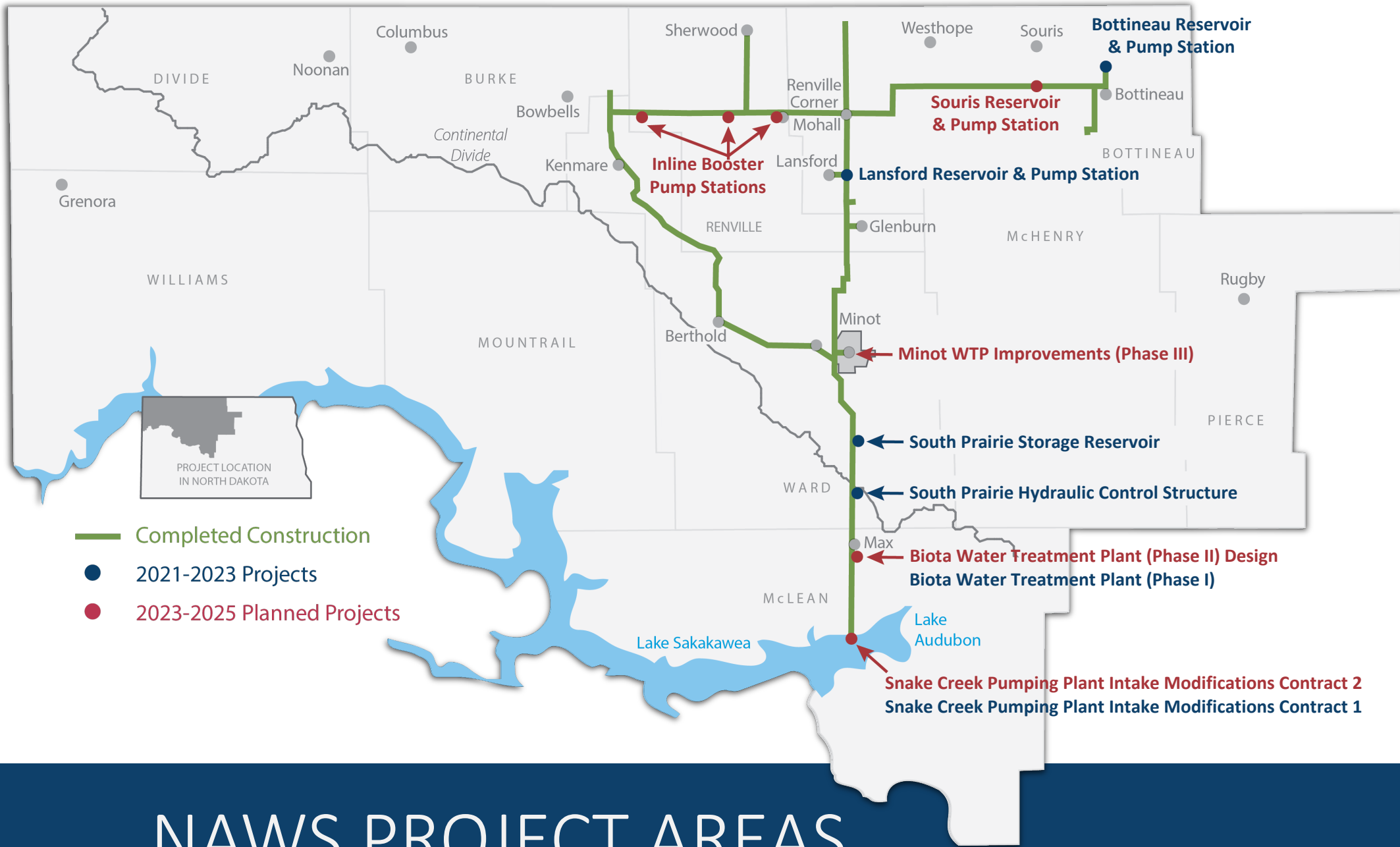
Engrossed HB 1218 proposes to have four representatives from Minot recommended by the Minot City Council; one representative of North Prairie Regional Water District; one representative of All Seasons Water Users District, recommended by the All Seasons board of directors; one representative of the Upper Souris Water District, recommended by the Upper Souris board of directors; one representative of cities other than the city of Minot with direct water service from NAWS; one representative from the SWC who lives in the Souris River basin; one representative from the Garrison Diversion Conservancy District as a nonvoting member; and one representative of the Turtle Mountain Band of Chippewa Indians as a nonvoting member. Please see the last page of this testimony for a table outlining the previous and proposed changes. This proposed make-up provides equitable representation of all user groups.

The bill also provides length of terms for serving on the Authority, the role of the State Water Commission, and the Department of Water Resources providing staffing and support. The State Water Commission and the Department of Water Resources

have worked with the member entities and the NAWS Advisory Committee to develop HB 1218.

Thank you for the opportunity to comment, and I would be happy to answer any questions you might have.

1991 NAWS Advisory Committee	2021 Revised NAWS Advisory Committee	2023 Proposed NAWS Authority (Engrossed HB 1218)
(1) City of Minot	(1) City of Minot	(4) City of Minot
(1) City of Williston	(1) City of Williston	
(1) County Water Resource District Representing: <ul style="list-style-type: none"> • Bottineau County • Burke County • Divide County • McHenry County • McLean County • Mountrail County • Pierce County • Renville County • Ward County • Williams County 	(1) County Water Resource District Representing: <ul style="list-style-type: none"> • Bottineau County • Burke County • Divide County • McHenry County • McLean County • Mountrail County • Pierce County • Renville County • Ward County • Williams County 	(1) Cities other than Minot with direct water service from NAWS
(1) SWC	(1) SWC	(1) SWC—Souris River Basin
(1) Three Affiliated Tribes	(1) Three Affiliated Tribes Turtle Mountain Band of Chippewa Indians-- Nonvoting	(1) Turtle Mountain Band of Chippewa Indians-- Nonvoting
(1) Rural water distribution system representative. Must be a resident of: <ul style="list-style-type: none"> • Bottineau County • Burke County • Divide County • McHenry County • McLean County • Mountrail County • Pierce County • Renville County • Ward County • Williams County 	(1) Rural water distribution system representative. Must be a resident of: <ul style="list-style-type: none"> • Bottineau County • Burke County • Divide County • McHenry County • McLean County • Mountrail County • Pierce County • Renville County • Ward County • Williams County 	(1) North Prairie Regional Water District (1) All Seasons Water Users District (1) Upper Souris Water District
(1) Garrison Diversion Conservancy District	(1) Garrison Diversion Conservancy District	(1) Garrison Diversion Conservancy District-- Nonvoting
(1) At-Large Representative	(1) At-Large Representative	
Total: 8 Voting	Total: 6 Voting 1 Nonvoting	Total: 9 Voting 2 Nonvoting



- Completed Construction
- 2021-2023 Projects
- 2023-2025 Planned Projects

NAWS PROJECT AREAS

Authority:	Western Area Water Supply Authority (61-40)	Lake Agassiz Water Authority (61-39)	Southwest Water Authority (61-24.5)	Proposed Northwest Area Water Supply Authority (Engrossed HB 1218)
Year Established:	2011	2003	1991	
Make-Up:	<p>(2) Williams rural water district (Renamed to Northwest Rural Water District)</p> <p>(2) McKenzie County water resource district</p> <p>(2) City of Williston</p> <p>(2) BDW Water system association</p> <p>(2) R&T water supply association</p> <p>Total: 12 Voting</p> <p>*In their bylaws, WAWSA weights their votes. For example, Williston gets 16 out of the total 35 votes.</p>	<p>(1) City with population 40,000+; East of Highway 1 and North of Highway 200</p> <p>(1) City with population 40,000+; East of Highway 1 and South of Highway 200</p> <p>(1) City with population 5,000-40,000; East of Highway 1</p> <p>(1) City with population less than 5,000; East of Highway 1</p> <p>(2) Water districts; East of Highway 1 and North of Highway 200</p> <p>(2) Water districts; East of highway 1 and South of Highway 200</p> <p>(1) Water districts located east of Highway 1</p> <p>(1) Minnesota city with a population of 30,000+ located within 5 miles of ND</p> <p>(1) Water district; West of Highway 1</p> <p>(1) City West of highway 1</p> <p>Total: 12 Voting Authority may designate associate members who are</p>	<p>(2) Elected from Dickinson</p> <p>(1) Elected from Mandan</p> <p>(1) Stark County (not a resident of Dickinson)</p> <p>(1) Morton County (not a resident of Mandan)</p> <p>(1) Dunn County</p> <p>(1) Golden Valley County</p> <p>(1) Billings County</p> <p>(1) Slope County</p> <p>(1) Bowman County</p> <p>(1) Adams County</p> <p>(1) Grant County</p> <p>(1) Hettinger County</p> <p>(1) Mercer County</p> <p>(1) Oliver County</p> <p>Total: 15 Voting</p>	<p>(4) Minot</p> <p>(1) Cities other than Minot with direct water service from NAWS</p> <p>(1) SWC—Souris River Basin</p> <p>(1) North Prairie Regional Water District</p> <p>(1) All Seasons Water Users District</p> <p>(1) Upper Souris Water District</p> <p>(1) Turtle Mountain Band of Chippewa Indians—Nonvoting</p> <p>(1) Garrison Diversion Conservancy District—Nonvoting</p> <p>Total: 9 Voting, 2 Nonvoting</p>

		nonvoting members of the board.		
Elected:	The governing body selects two representatives to the authority board who are water users of the member entity.	<p>ND city members: Elected by cities during annual League of Cities meeting.</p> <p>Water district members: Election by water districts during the annual meeting of the North Dakota Rural Water Systems Association</p> <p>Minnesota cities within five miles of the Red River or that use the Red River as a primary water supply may elect their representative.</p>	<p>County Directors: Elected during June primary. Petition to get on ballot requires 2% of eligible voters' signatures.</p> <p>City Directors: Elected during June primary. Petition to get on ballot requires 10% of eligible voter signatures.</p>	<p>Recommended by board they are representing</p> <p>City representation is chosen during annual League of Cities meeting</p>
Terms of Office:	1 year term May be reappointed	2 year terms	4 year terms	4 year terms
How to join:	Political subdivisions or water systems may join the Authority upon 2/3 majority vote of the existing board. To be eligible for membership, the entity must first contract with the Authority for financial participation in the project.	A city/county/water district may join by applying to the Authority. The Authority shall require any new member to pay for a pro rata share of the project costs previously incurred by the Authority members. The Authority also may require an entity contracting for a water supply to pay an additional fee if the entity joins the project late.	County Commission may apply to join. As a condition of approval, the authority may require payments as may be equitable to equalize the burden of such county with the obligations paid or assumed by the other counties in the authority.	Areas served are represented in proposed make-up. The service area (scope of project) cannot be changed without new NEPA analysis (and associated litigation).

**Senate Energy and Natural Resources
Chairman – Chairman Dale Patten
March 2, 2023**

**Testimony of Jason Sorenson
Asst. Director of Public Works, Minot
jason.sorenson@minotnd.org
701.857-4140**

HB 1218

Good afternoon, Chairman Patten and members of the Senate Energy and Natural Resources Committee. My name is Jason Sorenson and I am the Asst. Director of Public Works for the City of Minot.

Minot is in favor of amended HB 1218 and the creation of the NAWS Authority to oversee the general operations and oversight of the NAWS system.

As you may be aware, NAWS is a complicated system with many different facets that need to be coordinated and maintained.

First, there is a biota treatment facility, with a federal interest in the construction and operations. Second, there is a municipal water plant in Minot that is owned and operated by the city of Minot. Finally, there are numerous tanks, pipelines and storage structures, which were constructed with Federal, State and Minot funds.

We feel the development of the NAWS authority is a great step forward in having an entity to coordinate and provide oversight in the operation and maintenance of these numerous facilities and capital investments.

In closing, we feel the entities are being fairly represented on this new Authority board and will provide guidance to see that safe, reliable drinking water is being provided to North Central North Dakota at a fair and cost efficient price.



March 2, 2023

RE: In Support of:
HB1218

Chairman Patten and Members of the Senate Energy and Natural Resources Committee:

All Seasons Water Users District supports House Bill 1218 FIRST ENGROSSMENT relating to the creation of the Northwest Area Water Supply Authority as presented to the Committee.

The Northwest Area Water Supply (NAWS) Project will supply Missouri River water to Northcentral and Northwest North Dakota. The people of that area are currently and previously have been provided water by the (3) three existing Rural Water Systems in that area – All Seasons Water Users District, North Prairie Regional Water District and Upper Souris Water District. NAWS will provided quality water and the quantity of water needed to the area, which will increase the sustainability all the individuals of Northcentral and Northwest North Dakota.

With the creation of the NAWS Authority it will allow all the entities that will be receiving water supplied by NAWS, to work together to develop recommendations for Legislative Management regarding the transition of long-term operations and management of NAWS.

All Seasons Water Users District looks forward to working with the Authority to provide quality water to the area.

Daniel F. Schaefer, Manager
All Seasons Water Users District

**Testimony of
Garrison Diversion Conservancy District
HB 1218 NAWS Authority
Senate Energy and Natural Resources Committee
Bismarck, North Dakota – March 2, 2023**

Representative Patten and members of the Energy and Natural Resources Committee, thank you for the opportunity to testify in support of House Bill 1218, the creation of a Northwest Area Water Supply (NAWS) authority. I am Duane DeKrey, General Manager of the Garrison Diversion Conservancy District.

As a supporter of the NAWS project, Garrison Diversion also supports the creation of a NAWS authority.

Garrison Diversion operates the Snake Creek Pumping Plant out of which the water intake for the NAWS project is located. Therefore, our involvement with NAWS will be ongoing. Garrison Diversion has always maintained a seat on the NAWS advisory board, but will not be receiving water from NAWS; therefore, we support the proposal for a representative of Garrison Diversion to serve as a nonvoting member of the NAWS advisory board.

Thank you for allowing my testimony in support of the creation of a NAWS authority today.



Eric Volk, Executive Director

ND Rural Water Systems Association

In Support of House Bill 1218

Senate Energy & Natural Resources Committee

March 2, 2023

Chairman Patten and members of the Senate Energy and Natural Resources Committee, my name is Eric Volk. I am the executive director of the North Dakota Rural Water Systems Association (NDRWSA). Our vision is to ensure all of North Dakota has access to affordable, ample, and quality water. NDRWSA is committed to completing and maintaining North Dakota's water infrastructure for economic growth and quality of life. Today, I am submitting testimony in support of House Bill 1218, the creation of the Northwest Area Water Supply (NAWS) authority. Shifting the NAWS Advisory Committee to an Authority is the next logical step as the project further develops. Below are a couple of suggestions to clarify and to create consistency within House Bill 1218:

Page 1, Line 9 - It should reference subsection 5 not 4. The numbering was changed when North Prairie Regional Water District was added as a stand-alone member. I believe the intent was to reference the other city member being elected at the annual meeting of the ND League of Cities.

Page 1, Line 13, Subsection 2 (North Prairie) - One representative from the North Prairie Regional Water District recommended by the North Prairie Regional Water District board of directors.

Page 1, Lines 14-18, Subsection 3 (All Seasons) - One representative from the All Seasons Water Users District recommended by the All Seasons Water Users District board of directors.

Page 1, Lines 19-21, Subsection 4 (Upper Souris) - One representative from the Upper Souris Water District recommended by the Upper Souris Water District board of directors.

Thank you for giving me the opportunity to provide testimony on behalf of the members of the NDRWSA. Eric Volk, ericvolk@ndrw.org.