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Chairman Johnson + House ag committee Members:

My Name is Doug Zick. I am a farmer in Foster County. We use drain tile on our farm to manage water + improve our farming operations. I also serve on the Foster Co. water board as Vice chair. as well as chairman of the Tri County Board consisting of Foster Eddy + Wells Counties. I am here today to provide testimony in favor of House Bill 1437

Current law Requires the H₂O Board to notify land owners located one mile down stream of the tile outlet or to the nearest water way, Assessment + drain Slough or Lake ~~which~~ whichever distance is least. ~~If the water board finds~~ Notified land owners down stream may file technical evidence regarding unreasonable flooding concerns with the H₂O Board. If the board finds concerns with the tile project, the water board ^{may require} the permit Applicant to negotiate flowage easement before installing the tile. Landowners must address their property rights through the permitting process or their property rights claims are likely waived.

HB 1437 changes the law to remove property rights disputes from the H₂O Board. All land owners down stream of the tile project must address their damages claims through Civil litigation, rather than through the

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permitting process. This is consistent with how property rights are addressed in neighboring states. (SD, MN IA) I feel this will be a great benefit for local H₂O Boards. It should remove some of the local politics from the H₂O boards' decisions.

Confidentiality of tile permit Records:

HB. 1437 prohibits public officials from knowingly and willfully disclosing a project design submitted ~~as~~ as part of new tile permit. Once again I feel this is a wise ~~move~~ ^{decision} as it will keep local politics ~~out~~ out of the permitting process.

Permit Conditions

HB 1437 list 9 conditions that H₂O Boards can attach to permit Applications. The biggest changes are in paragraphs ~~H~~ + I which allows H₂O Boards to require permit holder to remove silt or vegetation or repair damages directly caused by the tile system upon presentation of substantial evidence showing the silt/vegetation/damage is directly caused by the tile system. I feel ~~this~~ this would be a problem for local water boards to police. Once again the local politics would come into play leaving the local water boards in an unwelcome predicament.

Approval Periods

HB 1437 requires the H2O board to determine whether an Application is complete within 3 business days otherwise it is deemed complete. The permit must be approved within 30 days of it being deemed complete otherwise it is automatically approved. In North Dakota our window for tile installation is small. I feel this will be helpful to all sides and in the long term be beneficial.

I as a former + multiple H2O board ^{member} would like to see HB 1437 passed + moved forward.

This concludes my testimony in support of HB 1437. I will stand for any questions from the committee.

I would also like to thank the authors + sponsor of HB 1437 for their common sense approach to water management.