

Testimony for SB 2037

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My name is Gary Heintz from Chaseley, ND. I support this bill, SB 2037, to change the current rules and regulations regarding water drainage districts. I am a taxpayer within the Hurdsville legal drain and pay an assessment for that project. The criteria for the assessment levels were set by the engineer hired by the Wells County Water Resource District. The assessment levels were set at 100%, 50%, and 10% depending on parcel location relative to the two lakes that act as reservoirs. These assessment levels did not take into account land use (crop vs. pasture), land value, or any type of appraisal.

My assessment amount is \$154 per acre on the land assessed at 100% and \$77 per acre on the land assessed at 50%. My present yearly assessment exceeds the amount of my land real estate taxes on these tracts. My total assessment for this project was \$51,000. If paid out over a multiple year bond it was projected to be over \$80,000 with the interest rate that was in place at the time the funding was acquired by the Wells County Water Resource District. This assessment is without any additional operational and maintenance costs. This may not seem like an excessive amount to some but the lake on my land is the final reservoir and as a result I have so far lost access to 8 acres of land and am holding the water for the project. Those of us that are holding the water in the reservoir lakes on our land are paying the highest assessment rates while the upstream landowners are paying lower assessment rates and are benefitting by being able to remove water on their land through continued tiling and draining.

In the time that this project has become operational, the pumps that were to draw down the water in the final reservoir lake (East Lake), partially located on my land, have not run as long as needed to meet projections in the operational plan. Due to the limited pumping time based on high sulfate levels (levels that were known prior to construction) the water levels on East Lake, remain at levels that flood land or make it inaccessible. Ironically, these parcels that are reservoirs for the project, are assessed at the highest levels.

Hopefully, making cost/benefit determination more consistent throughout the state, as provided by this bill, will provide a more equitable method of assessment that is based on more than just physical location and is more uniformly based on actual monetary benefit.

Further, as there are currently no methods for landowners to appeal the initial construction assessments, I would propose an amendment be added to provide for reassessment and/or reimbursement to the landowner, where it can be shown that a parcel is or has been bearing costs that exceed benefits.

Thank you for this opportunity to testify on this bill.

Respectfully,  
Gary Heintz

