

Testimony with regard to House Bill No. 1391

My name is Leon Mallberg and I am asking for a Do Pass on House Bill No. 1391. I live in Dickinson, North Dakota but I also manage the family farm in Sargent County, North Dakota. The property is located in what is known as the Drain # 11 Watershed, the largest watershed of its kind in North Dakota. I am not a paid lobbyist nor do I represent any special interest or industry group. I am a "run of the mill" citizen.

The Drain # 11 watershed has been highlighted for seven years. That would not be the case if House Bill No. 1391 had been in effect. Two items in the bill are presented for your consideration:

First, the bill states that the minutes of the Water Board meetings must be published and made available within seventy-two hours after the meeting date. This could be amended to state "three business days" which would alleviate the vocal concern that the minutes would be due on Sunday if the Water Board meeting was on Thursday.

On October 20, 2016, the Sargent County Water Board had their monthly meeting and passed a "Resolution of Necessity" with respect to Drain # 11. This action was not published in advance. It passed unanimously. The only people at the meeting were the board members, the board secretary and one land owner who had no interest or concern in Drain # 11. The statute states that if any affected landowner objects to the board action they must do it via the courts within thirty (30) days. Unchallenged it would eliminate any possible vote of approval by the affected landowners. No landowner was notified that there was a window of 30 days. On the 27th day of the 30 day window at 2:30 PM the minutes of the meeting that offered the "Resolution of Necessity" were made available. With the 30th day being a Saturday (November 19, 2016) it left 2 days to come to decision, find an attorney, prepare an objection and present it to the Clerk of Court. One would expect that a "**Public Board**" would notify affected parties that they were subject to a 30 window. After seven years and spending \$100,000.00 in legal fees trying and failing to get a landowner vote, we now have a \$4,100,000.00 4.5 mile ditch without a monetized benefit and no approval from the ones who pay. We are left with 40 miles of remaining ditch in Drain # 11 with no available maintenance money.

In the second suggested change, the bill states that if any project where the projected cost is more than six (6) times the annual maximum dollar assessment for the effected watershed, the project must go to a vote of the landowners of the watershed for approval. It is a simple step to protect and involve the landowners. Present practices by the water board have completely ignored or bent the intent of the law and prevented votes by the affected landowners. The item, as stated on the second page, is self explanatory without detail

Please reading the enclosed letter. You should have received a copy on or around December 26, 2022, via E-mail. It includes additional information.

Respectfully -- Leon L Mallberg