

Testimony for SB 2036

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By: Gary Heintz

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My name is Gary Heintz from Chaseley, ND. I am neutral on this bill, SB 2036, 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 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 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 removing water on their land through continued tiling and draining. Hopefully the changes provided by this bill will provide a more equitable method of assessment.

Three primary concerns that I have with the proposed changes to SB 2036 are:

- 1.) The timelines procedure for water projects which are contained in the present state statutes. The present statutes are restrictive in respect to the short amount of time that the landowners are expected to voice any objections to portions of the project or the assessment process. In Section 61-16.1-23 there is a proposed elimination of the ten-day time limit to appeal objections about the project to the Department of Water Resources. This timeline should not be eliminated but extended to 60 days to provide more time for discussion and decision.
- 2.) The proposed change of Section 61-16.1-23 which would increase the percentage from 20% to 33% of assessment votes needed to protest the project. This increase of percentage would be a higher threshold to present an objection and would prevent a smaller parcel owner from voicing their concern primarily about fair and equitable assessment levels and/or other design portions of the project.

- 3.) The process which addresses the area of notification and rights of persons outside of the project area that may be effected such as downstream landowners, rural water systems, and municipal water systems as to potential change in water quality and increased flow of water.

Thank You for the opportunity to voice my concerns.

Respectfully,

Gary Heintz