

Dear House Agriculture Committee Members:

I stand in favor of HB 2283.

Under present statute, a person wanting to install a tile drain project under 80 acres must notify the water resource board. The board has the authority to specify erosion control, pump installation and operation but cannot prevent the project. The downstream landowners do not have to be notified.

A person wanting to install a surface drain involving a watershed of less than 80 acres does not need to notify anyone or apply for a permit.

In this country, we take the right to own property seriously. There are laws that determine who can own, sell and buy land. We have consequences for people who would say, damage your home. Unfortunately, however, there are no meaningful rules that apply to small drainage projects, and this results in small or large transfers of unwanted water onto sometimes unsuspecting downstream neighbors. If a farmer divides his tile drainage area into a series of under 80 acre projects, the unpermitted water transfer can be huge.

*Farmers make their living from their most valuable asset, their land- I hope you will read the testimony of Arlen Huber that was submitted in support of SB 2283. This is stealing

*Retired people may live on land rent- this came up in a conversation with one of your Senate colleagues, who spoke of a widow who lost some of her income because a neighbor drained on her pasture. This is stealing.

*Too much water in the wrong place can cause habitat loss which is valuable to hunters and wildlife lovers. The taking of the enjoyment of the use of dumped on property without compensation is also stealing.

This bill makes requires written consent of the downstream landowner mandatory for a surface drain that drains a watershed under 80 acres if the water goes directly onto his/her property. If this is not obtained or there is an objection, the drainer must apply for a permit.

This bill requires notification of downstream owners whose lands are affected by a tiling project under 80 acres. The downstream owners have 60 days to file an objection. If an objection is filed, a drain permit is required.

This bill will remind landowners who would drain that somebody always lives downstream and their rights need to be respected.

SB 2283 also addresses this issue of small drain projects and includes the option of mediation. No one likes going to court; the money, emotional energy and embarrassment are all expensive. Mediation is a way of trying to get neighbors to talk to each other and come to a successful outcome.

I hope the best elements of this bill (notification for both surface and tile drainage) and SB 2283 (option for mediation)can be forged together to close a much- needed loophole in our state water laws.

Thank you for accepting my comments

Madeline Luke

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