

31 January 2025

Dear Committee Members:

I voice my strong support for HB 1544.

The North Dakota Legislature by removing meaningful regulation of tile drainage in the state has created serious problems for many farmers in the state. With little regulation we now have a Wild West scenario where drainers can do whatever they want without any consequences from regulators whether it be from local water boards or the State Water Commission. Tile drainage in the current regulatory environment allows dumping water onto neighbor property without the neighbor's awareness or permission which is patently wrong and needs to stop. Lack of regulation causes widespread economic costs and dislocation to farmers that are being dumped upon often surreptitiously without their knowledge until the neighbor notices a low area in his/her field that used to crop in most years no longer being farmable in any years and the water keeps expanding flooding other cropland. Drainers have learned to use gravity very effectively to discharge on a slope ensuring the water will not stop until coming to reside on a neighbor's field.

Many of the problems associated with tile drainage would cease to exist if the person doing the drainage had to get a permit in all instances before undertaking tile drainage and in cases where tile drain water is to be discharged at a location that will move water onto a neighbor would require the neighbor(s) get permission and where the existing uses of land of neighbor(s) are adversely affected, neighbors would be entitled to flowage easements or other payments. Any time a drainer is moving the water onto a neighbor who is facing economic or other distress the drainer should be liable for damages.

In my case, I own a farm in Dickey County and a neighbor tile drained 2 quarters onto my property without any notifications. He did this by dividing the land into a series of under 80 -acre projects. While it was obvious I would suffer major damages the neighbor seeing my farm being flooded simply said to me "It is not my problem" and walked away. Sadly, without laws regulating drainage, individuals insensitive to their neighbors' plight are getting away with grave injustice. The tile drain water first went into a 25-acre slough that was originally 2-3 feet deep and went dry every third or fourth year. Now the slough depth is never less than 10 feet deep and extends has nearly an extra half mile in each direction to the north and south, has destroyed a township road cutting my farm in two parts, and requiring a 6 – 8 mile trip to get to half of the farm that was only 400 yards from the farmstead before his drainage started. In addition, when the water is high, it flows onto another quarter leading to that quarter becoming almost unfarmable because rising water levels lead to that quarter being split into 3-4

parts by standing water. Yet, I have not received one dime of compensation from the neighbor for all the harm caused. Had he been required to get a permit and permission, the project could only have occurred with me being reimbursed for all the damages caused.

Sincerely,
Gary Krapu