

Senate Agriculture Committee - SB2208

Dear Members,

Firstly, let me give you my background. I live in Richland County and am a recently retired farmer having completed 43 seasons as such. I have served on the Richland County Water Resource Board going on 25 years. I own 480 acres of farm land in Richland County, all of which is assessed to one or more legal drains. I have also made the substantial investment of drain tiling all of the 480 acres that I own.

I would also like to relate to you the following data in regards to Richland County.

Richland County has consists of 738,000 acres of crop land. We have 394 miles of rivers and creeks. There are 42 separate legal drains in Richland County which have a total length of 315 miles. The legal drain assessment area is 474,650 acres or 51.3% of the total acres in the County. Richland County has 36 Townships of which 31 have a legal drain or property assessed to a legal drain.

Richland County has 84,700 acres of drain tile which was installed through 610 Applications with only 1 being denied!

It should not be to hard to understand that Legal Drains and Drain Tiling are important agricultural assets in Richland County and the current network of Legal Drains needs to be considered an integral part of the infrastructure (railroads, highways and etc) in the county. Our forefathers knew the importance of drainage and Legal Drains and that's why quite a number of our Legal Drain were built in the early 1900's. Without drainage, Richland County and the Red River Valley would not have become the agricultural power house that is the envy of the world!

SB2208 appears to be designed and intended to make drainage and Legal Drainage more difficult, time consuming and costly. The idea of combining two chapters of drainage law into one is a good idea whenever there is a chance to simplify state law that citizen boards have to administer, but I feel that SB2208 is just to much and will really limit drainage, tiling and overall water management efforts.

Assessment Drains provide outlets for surface runoff and tile projects and they provide critical protection for roads and other infrastructure. SB2208 would freeze the ability of water resource boards to properly operate and upgrade legal drains when needed. A lengthy (5 to 6 months) and expensive (\$10 to \$15,000) "assessment vote" for anything besides the removal of sediment and debris or returning any drain component to "preexisting design conditions" would be required. A culvert that failed during a spring flood and the roadway had to be closed as a result could not be upgraded to modern

engineering standards without this “assessment vote” I can't believe that the road authority, the traveling public or anyone else who needs to use this closed road is going to be happy having to wait for this expensive and time consuming “assessment vote” to take place. Currently if the culvert needed to be up sized we would follow the state stream crossing standards and the road would soon be functioning again.

SB2208 sets forth a definition of “maintenance” that is very restrictive and limits expenses paid for the \$4.00 per acre “maintenance” fee currently allowed in state law to only those that return the drain to its original design and makes no provisions for improvements that are based on modern engineering standards. Current law allows for these improvements and I think that it is regressive to take that ability away from local water resource boards. Over the years, I have been told by numerous neighbors, farmers and landowners that they feel that the \$4.00 per acre assessment is the fairest and most beneficial tax that they pay because they understand what it does for them and they can see the immediate results of the work that the levy pays for.

SB2208 eliminates snagging and clearing districts. In many counties, Water Resource Boards and County Commissions cooperate to create these one-time districts to clean up natural watercourses and rivers, usually to snag and clear tree debris, silt depositions and etc. They are one time assessment districts with a maximum of \$0.50 per affected acre up to \$100,000. SB2208 instead makes Water Resource Boards go through a lengthy and expensive assessment district process to create a permanent assessment district, which would result in taxes every year, with no \$0.50 per acre limit. If this vote did not pass, landowners would have to deal with rivers and naturals filling up with tree debris, silt and other obstructions.

Finally, SB2208 tries to upgrade the existing law pertaining to tile which has been wrestled with for a number of sessions trying to get it right. I would suggest that there is a better tile bill, HB1437 which the Richland County Water Resource office (with much tile permitting experience) played a large role in formulating.

I don't know where SB2208 came from, but it will not be helpful to the farming community or the water resource boards who have to best manage the water resources of our state. I respectfully request that you Do Not Pass SB2208.

Sincerely,

Arv Burvee, Chairman  
Richland County Water Resource

