

January 26, 2023

Kathy Ringdahl Marquette
9071 138th Avenue SE
Rutland, ND 58067
701.724.3191 (H)
701.899.1276 (C)
Marquette@drtel.net

Senator Luick and Members of 2023 ND Senate Ag Committee

RE: Senate Bill #2037

My name is Kathy Marquette, and I am writing to you today to voice my support of SB 2037 for three targeted groups of people in relation to our personal experience with water drains in southeast North Dakota in the counties of Sargent and Dickey. Those three groups of people are 1) my parents, Judy and the late Gerald Ringdahl, and their property located within Verner Township in Sargent County affected by Jackson Drain; 2) our neighbors in Sargent County who are affected by this drain and other drains such as Drain 11; and 3) for ALL farmers and property owners in the future who may have their land and property rights affected by a water drain.

Attached is a table of data specifically addressing how assessments were distributed for Jackson Drain on the Ringdahl family. Our fifth generation ND Centennial farm is located on top of a hill by the Scandinavian Hilltop Cemetery where my ancestors are buried, along with my father. It is surrounded by Lake Taayer, Pickell Lake and Kraft Slough. As you know, the cost of the project was initially \$5.2 million with a cost-share funding from the ND State Water Commission so it is currently around \$3.75 million. Due to the size of the assessment district and the total cost of the project, landowners became alarmed when they were notified by the Dickey-Sargent Joint Water Resource Board on October 6, 2014. Assessments payable over a 20-year period. We felt "blind-sided" by this project.

Several years ago, I—along with several other Jackson and Verner Township landowners—traveled to Bismarck to the legislative assembly to testify for proposed changes to HB 1339 to amend sections 61-16.1-22, 61-16.1-23 and 61-16.1-26 of the North Dakota Century Code relating to notice, appeals and refunds of special assessments. Though we had some success on some proposed changes, it was evident that the fight over "water" had the workings of a "good 'ol boys club". Some

members of our local joint water board and farmers who voted in favor of this project were rubbing shoulders with the State Water Commission as though they were the best of friends.

Our family has unsuccessfully tried to get changes to occur in the formula for calculating assessments in relation to "benefits". Bottom line, no landowner should have to pay assessments that are not in proportion to benefits. Our family situation is a unique one because of where our farm is located; however, we feel that we have been dealt a "bad hand" because of the amount of money we are paying in relation to benefit. We feel we are carrying the burden for farmers who are benefitting with little to no cost assessed to them.

We do not trust our current water board. Members who are on it have self-serving interests. Several years ago, I tried to get the paperwork at the Sargent County Courthouse to protest the payment of taxes as my parents were paying more in special assessments than property taxes! I was told that wasn't an option. When you can't get any straight answers from the local water board, you try to protest so that people understand that you are upset and simply want someone to explain how the assessments are calculated. No one on the Dickey-Sargent Water Board has ever been able to articulate the formula for how special assessments for Jackson Drain were calculated. The whole project has had a pungent odor from the day we received notification of the drain project.

My mother has her 2022 Sargent County Real Estate Tax Statement. Her grand total on 16 statements is \$30,789.13, of which \$14,360.31 is special assessments. **Seven of those parcels have more money due in special assessments than the property tax owed on each one! On one 165.22- acre tract she owes \$4,035.92 combined in taxes and specials and on another 144.59- acre tract she owes \$4227.48.** It's been a tough pill to swallow for years. Honestly, it is from the urging of Paul Mathews and Bob Banderet that I am writing this testimony. Our family has tried numerous times to visit with the water board; however, members never address anything due to their attorney, Sean Fredricks, of Ohnstad Twitchell, P.C. Members are scared to talk; they refer EVERYTHING to Mr. Fredricks. How sad it is that I honestly believe members know that this whole project and other drain projects are not being handled correctly but are hiding behind their attorney. If board members were in the shoes of area landowners affected by these special assessments, they may have a completely different perspective.

If a transparent formula for calculating assessments so they do not exceed benefits in a public drain is not created, what will this mean for landowners? Drain assessments combined with property taxes will be too much of a financial burden and many will be forced to sell their land—the same handful of farmers who pushed for Jackson Drain and other drains in the works will be in line to purchase their land. Is this ethical? A landowner who is benefitting from Jackson Drain came to visit my father one day in the nursing home three years ago where he was residing. He knew of my father's

opposition to the drain due to the unfairness of the assessment formula. When my father and he discussed the topic, he stated, "Well Gerald, maybe it's time for you to sell your land." Needless to say, I have no respect for this individual. In fact, he was one who sat with the State Water Commissioners who patted his back after he came back to sit down with them after giving testimony in favor of not adding changes to HB 1339. Nothing like the "good 'ol boys club".

We care too much about our land and that of our neighbors and other landowners in North Dakota not to attempt to have current law changed to reflect a fairer process. We want to do our part to ensure that the assessment process by water resource boards is fair, impartial, ethical and bears no conflict of interest with any parties employed by the boards and the companies that represent them. Transparency is key—if water boards are confident that their plans are fair and equitable, then they should have no problem sharing how formulas are created and implemented. Water is a necessary evil; no one wants it in excess. Projects are necessary to control it; however, projects must be equitable for all parties in relation to benefits vs. assessment costs.

I leave you with this quote from Madeline Albright, former US Secretary of State:

"No matter what message you are about to deliver somewhere, whether it is holding out a hand of friendship, or making clear that you disapprove of something, is the fact that the person sitting across the table is a human being, so the goal is to always establish common ground."

Respectfully,

A handwritten signature in cursive script that reads "Kathy Ringdahl Marquette". The signature is written in black ink and is positioned below the word "Respectfully,".

Kathy Ringdahl Marquette

Attachments: 3

Attachment A.

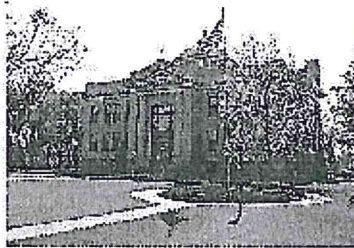
#	Parcel #	Sec	Twp	Rng	Legal	Parcel Ac	Assessed Ac	Benef %	Factor Ac	FINAL	Proposed Vote
										Amount	Amount
										Assessed	Assessed
RINGDAHL FAMILY											
	206097000	21	131	58	SE 1/4 of 21-131-58	159.58	25	50.00%	12.50	3,193.38	"
	206097000	21	131	58	SE 1/4 of 21-131-58	159.58	134.58	25.00%	33.65	8,595.29	17,078.25
	206102000	22	131	58	W 1/2 of SE 1/4 22-131-58	80	25	75.00%	18.75	4,790.06	4,013.25
	206117000	26	131	58	W 1/2 of SW 1/4 26-131-58	80	55	12.50%	6.88	1,756.36	1,471.53
	206123000	27	131	58	E 1/2 of SE 1/4 27-131-58	134.76	65	12.50%	8.13	2,075.69	1,739.08
	206123000	27	131	58	E 1/2 of SE 1/4 27-131-58	134.76	69.76	75.00%	52.32	13,366.19	11,198.57
	206127000	28	131	58	NW 1/4 28-131-58	144.59	144.59	75.00%	108.44	27,703.81	23,211.03
	206149000	33	131	58	NE 1/4 33-131-58	154.9	20	75.00%	15.00	3,832.05	3,210.60
	206150000	33	131	58	NW 1/4 33-131-58	104.59	95	75.00%	71.25	18,202.24	15,750.35
	206156000	34	131	58	SW 1/4 33-131-58	77.78	77.78	75.00%	58.34	14,902.84	12,486.02
	206159000	35	131	58	NW 1/4 35-131-58	153.46	112	75.00%	84.00	21,459.48	17,979.36
	206160000	35	131	58	SW 1/4 35-131-58	157.2	52	12.50%	6.50	1,660.56	1,391.26
	206160000	35	131	58	SW 1/4 35-131-58	157.2	17.2	50.00%	8.60	2,197.04	1,840.74
	206160000	35	131	58	SW 1/4 35-131-58	157.2	80	75.00%	60.00	15,328.20	12,842.40
	206162000	35	131	58	W 40 of SE 1/4 35-131-58	40	40	50.00%	20.00	5,109.40	4,280.80
	206124000	27	131	58	E 1/2 of NE 1/4 27-131-58	78.21	36	12.50%	4.50	1,149.62	963.18
	206126000	28	131	58	N 1/2 of NE 1/4 28-131-58	165.22	80	50.00%	40.00	10,218.80	"
	206126000	28	131	58	N 1/2 of NE 1/4 28-131-58	165.22	85.22	75.00%	63.92	16,328.37	26,522.77
	206130000	28	131	58	Lots in 28-131-58	30.7	25	75.00%	18.75	4,790.06	4,013.25
	206129000	28	131	58	Lots in 28-131-58	16.5	11.5	75.00%	8.63	2,203.43	1,846.30
	206126001	28	131	58	Steve & Michelle's lot 28-131-58	11.36	11.36	50.00%	5.68	1,451.07	1,823.62
							1,261.99			180,313.94	163,662.36

Attachment B.

**Sargent County
Forman, North Dakota**

County Commissioners:

Jason Arth
Mike Walstead
Bill Anderson
Sherry Hosford
David Jacobson



County Officers:

Ja Maloney- Auditor
Alison Toepke- Clerk, Treasurer, Recorder
Merril Engquist- Road Supt.
Lyle Bopp- State's Attorney
Travis Paeper- Sheriff
Sandra Hanson- Tax Equalization Director
Brenda Peterson- Coroner
Jon Hanna- Veterans Service Officer

PAYMENT OF TAX UNDER PROTEST

North Dakota law requires that state taxpayers take specific and timely steps in the event the taxpayer wishes to pay any tax under protest. In an effort to acquaint taxpayers with those steps, all of which must be completed in proper sequence for the protest to be valid, the following guidelines have been established:

1. Any person against whom a tax is levied, or who may be required to pay the same, may pay such tax under protest to the County Treasurer.
2. Any such protest must be given to the County Treasurer in writing at the time of payment, specifying the reason for the protest. (NOTE: Verbal transmission of the protest is not sufficient to implement the protest.)
3. Following the written protest, and thereafter, within sixty days, the taxpayer may apply in writing to the Board of County Commissioners for an abatement, adjustment, or refund of taxes paid, or any portion of those taxes paid. In the event the taxpayer does not elect to take any action on the protest within the specified time period, the protest shall be ruled non-existent and tax monies held as a result of the protest shall be entered in appropriate funds for distribution.
4. If the County Commission rejects, in whole or part, such application as filed within Section 3 above, it shall notify the applicant of the disposition of the application.
5. The Board shall notify the taxpayer of his right to appeal the action to the tax appeals board as provided by law.
6. All applications to the Board of County Commissioners shall show the post office address of the taxpayer and notice in that address by registered or certified mail shall be sufficient service of the notice of rejection or approval of the taxpayer's application.
7. It shall remain the duty of the taxpayer to carry out all of the above stipulations in order for the payment of tax under protest to be valid. Any questions should be directed to the County Treasurer regarding the above procedures.
8. The above steps required of taxpayers are in accordance with state law as carried in Section 57-20-20 of the North Dakota Century Code.

Attachment C.

Sargent County
NOTICE OF TAXES PAID UNDER WRITTEN PROTEST

Please return to: Alison Toepke, Sargent County Treasurer
355 Main Street South Suite 2
Farmington, ND 58037
(701)724-6241 Ext. 111

NOTICE IS HEREBY GIVEN THAT THE UNDERSIGNED: _____ OF _____ DOES PAY UNDER WRITTEN PROTEST AS PROVIDED BY SECTION 57-20-20 OF THE NORTH DAKOTA CENTURY CODE THE SUM OF \$_____, HEREWITH, AS PAYMENT OF THE TAXES LEVIED FOR THE YEAR _____ AGAINST THE FOLLOWING DESCRIBED PROPERTY:

REASONS FOR FILING THIS PROTEST ARE AS FOLLOWS:

DATED AT _____, ND, THIS _____ DAY OF _____.

TAXPAYER

MAILING ADDRESS

57-20-20. PAYMENT OF TAX UNDER PROTEST. Any person against whom any tax is levied, or who may be required to pay the same, may pay such tax under protest to the county treasurer, by giving notice in writing to such treasurer at the time of payment, specifying the reasons for such protest, and thereafter, within sixty days, he may apply in writing to the board of county commissioners for an abatement, adjustment, or refund of taxes thus paid, or any portion thereof, and if such application is rejected, in whole or in part, or if the board fails to act upon his application within sixty days, it shall notify the applicant of the disposition of his application and of his right to appeal as provided by law. The application to the board of county commissioners must show the post-office address of the taxpayer and notice to such address by registered or certified mail is sufficient service of the notice of rejection or approval of the taxpayer's application.



***SPECIAL ASSESSMENTS CANNOT BE PROTESTED.**

****The process of "paying under protest" merely places the funds in a "hold" account for 60 days while the person making the protest pursues further action. You will need to go through the abatement process for any action to be taken. Thank you.**