

Barnes County Water Resource District

PO Box 306

Valley City, ND 58072

Managers

Chairman Jerry Hieb; Bruce Anderson

Shawn Olason; Bret Fehr and Dale Jorissen

To: Chairman Jim Schmidt and Members of Water Topics Overview Committee
From: Barnes County Water Resource District
Re: Water Resource Districts' "Quick-Take" Eminent Domain Authority
Date: June 14, 2016

The Barnes County Water Resource District (the "District") submits this letter to your Committee for inclusion in the record regarding your study of water resource districts' quick-take eminent domain authority. Our District takes very seriously our obligation to manage water and water infrastructure for the benefit of the residents and landowners of Barnes County. In our experience, virtually every water project faces opposition; if we simply walked away from every project that faced opposition, we would not accomplish much for our County. If the North Dakota Legislature eliminated our "quick-take" eminent domain authority, our job of developing the water resources for the benefit of our residents and landowners would become even more difficult.

Development of water projects typically requires right of way from area landowners, and when we are considering a project we weigh the benefits of the project against the impacts to those landowners. In cases where we conclude the land required to build a project is too substantial to justify a project, we either consider other alternatives or we simply do not proceed with the project. However, in instances where we conclude a project will solve significant water problems for residents or landowners in our County, we feel we have an obligation to pursue the project.

We are landowners and understand the importance of property rights. When we develop projects and conduct right of way acquisition, we treat landowners fairly and we do not offer anything less than fair values for their property. We *always* seek to acquire right of way through friendly negotiations with landowners. Unfortunately, we sometimes encounter landowners who oppose our projects or who simply will not negotiate with us in a reasonable manner. In those instances, our choice is to either abandon our project, to the detriment of the

other landowners and residents who desperately need the relief our project would provide; or to proceed with eminent domain.

The “quick-take” procedure allows us to proceed with our projects in a timely manner for the benefit of our County, while still affording opposing landowners their “day in court.” The Legislature supports water development; on the other hand, however, if the Legislature eliminates our quick-take authority, you will make development and construction of water projects significantly more difficult and, in some situations, impossible.

We respectfully request that you conclude your “quick-take” study by supporting water resource districts’ “quick-take” authority; if you do, you will be supporting water development for our State.