

**Ness, Claire J.**

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**From:** Mike Dwyer <mdwyer@ndwaterlaw.com>  
**Sent:** Tuesday, August 23, 2016 10:47 PM  
**To:** Sean M. Fredricks  
**Cc:** Schmidt, James E.; Sorvaag, Ronald G.; Amerman, Bill D.; Anderson, Dick D.; chofstad@nd.gov; Kading, Tom; Muscha, Naomi T.; Nelson, Jon O.; Nelson, Marvin E.; Porter, Todd K.; Sanford, Mark S.; Streyle, Roscoe K.; Zubke, Denton B.; Casper, Jon; Holmberg, Ray E.; Lee, Gary A.; Luick, Larry E.; Robinson, Larry J.; Schaible, Donald G.; Sinner, George B.; Unruh, Jessica K.; Westlind, Greg; Bjornson, John D.; Ness, Claire J.; Gary Thompson (gwt2016@gmail.com) (gwt2016@gmail.com)  
**Subject:** Re: Bill Drafts - Water Topics - WRD "Quick-Take" Authority

Dear Sean and Chairman Schmidt, On behalf of Dave Ashley, Chairman of the ND Water Resource Districts Assn, and also Chairman of the Souris River Joint Water Resource Board, the Water Resource Districts of ND would like to concur with the idea of Lines 16-19 of Bill Draft 2, and recommend that those lines are the appropriate solution to the discussion concerning quick take authority of water resource districts. The distinction should not be the type of project. Water supply is critical for all areas of our state. Protecting homes and livelihoods from devastating floods is also very critical. Under all circumstances, water resource districts and all other entities utilizing quick take should make every effort, and exhaust all possible avenues of negotiation, before any consideration of eminent domain. Placing that requirement in statute would be supported by water resource districts, because it is a standard of conduct that is reasonable and guarantees landowners the opportunity for full discussion of values, alternatives, and project issues. Again, we believe these lines (16-19 of Bill Draft 2) are the right solution for this issue, and placing this standard of conduct in statute certainly should provide some assurance that any actions of water resource districts to acquire right of way is done in a proper manner. Thank you for your consideration. Mike Dwyer, Executive Secretary, ND Water Resource Districts Assn

Sent from my iPad

On Aug 23, 2016, at 3:47 PM, Sean M. Fredricks <[SFredricks@OhnstadLaw.com](mailto:SFredricks@OhnstadLaw.com)> wrote:

Chairman Schmidt and Water Topics Overview Committee:

The Red River Joint Water Resource District previously submitted a letter to your Committee dated August 11 regarding the Committee's study of water resource district "quick-take" eminent domain authority. Since then, the RRJWRD has had the opportunity to review the three draft bills Legislative Council prepared for your Committee's consideration (attached). The RRJWRD submits the attached letter (dated August 23) to specifically address each of those bill drafts. I am also attaching a copy of the RRJWRD's August 11 letter for your convenience.

The RRJWRD would appreciate inclusion of both of its letters in the Committee's record.

Thank you for your consideration.

Regards,

***Sean M. Fredricks***

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<RRJWRD - Memo to Water Topics Committee - Bill Drafts - 08-23-16.pdf>

<RRJWRD - Memo to Water Topics Committee - 08-11-16.pdf>

<Bill Draft 17 0223 01000.pdf>

<Bill Draft 17 0224 01000.pdf>

<Bill Draft 17 0259 01000.pdf>