

**FOSTER COUNTY WATER RESOURCE DISTRICT
BOARD OF MANAGERS**

**NOTICE OF HEARING REGARDING ESTABLISHMENT OF
FOSTER COUNTY ASSESSMENT DRAIN NO. 1**

The Foster County Water Resource District ("FCWRD"), having been petitioned by landowners located in Carrington Township (Township 146 North, Range 66 West) and Rose Hill Township (Township 146 North, Range 65 West) for establishment, construction, and future maintenance, repair, and cleanout of an assessment drain referred to in the petition as Foster County Assessment Drain No. 1 ("Drain No. 1"), has resolved to finance in whole or in part the construction and maintenance of Drain No. 1 with all or a portion of funds raised through the collection of special assessments levied against lands and premises benefited by the construction and maintenance of said project. (See the May 11, 2022, Resolution Declaration for Construction & Maintenance of Foster County Assessment Drain No. 1 on file and available for public inspection with the Foster County Auditor). The FCWRD appointed Professional Engineer Jennifer Malloy of Apex Engineering to investigate the proposed assessment drain and prepare profiles, plans, and specifications of the proposed drain, estimates of the total cost thereof, and a map or plan of lands to be drained and benefited (the "Engineering Report"). The Engineering Report has been completed and is on file for public inspection with the Foster County Auditor.

The proposed assessment drain and assessment district are located within Carrington Township (Township 146 North, Range 66 West) and Rose Hill Township (Township 146 North, Range 65 West) all in Foster County, North Dakota.

The proposed Drain No. 1 project consists of 7.20 miles of open ditch more specifically described as follows - The starting point of the open ditch begins just north of the center of Section 10, Township 146 North, Range 66 West (Carrington Township) at the west quarter-line of the Northeast Quarter of Section 10, then continues easterly and southeasterly across the Southeast Quarter of Section 10, the South Half of Section 11, and the Southwest Quarter of the Southwest Quarter of Section 12, then continues northerly and northwesterly along the quarter-quarter line between the West Half of the Southwest Quarter and East Half of the Southwest Quarter of Section 12 and continues northerly by northwesterly across the Northwest Quarter of Section 12 to the northwest corner of Section 12, then continues east along the section line between the Northwest Quarter of Section 12 and the Southwest Quarter of Section 1, then continues northeasterly across the Southeast Quarter of the Southwest Quarter and the Southeast Quarter of Section 1, then it continues southeasterly across the Southeast Quarter of the Southeast Quarter of Section 1 and the northeast corner of Section 12, then continues southeasterly across the Northwest Quarter, the South Half of the Northeast Quarter, and the North Half of the Southeast Quarter of Section 7, Township 146 North, Range 65 West (Rose Hill Township), then continues southeasterly across the South Half of Section 8 toward the southeast corner of Section 8 to the southeast corner of Section 8, then continues northeasterly across the Southwest Quarter of the Southwest Quarter of Section 9 where it terminates at the watercourse in the

Southwest Quarter of Section 9 known locally as Kelly Creek, all located in Foster County, North Dakota and will benefit lands located in Foster County.

For the proposed Drain No. 1 project, the District proposes to assess costs of the project against approximately 5,350.09 benefited acres located in all or portions of the following sections: Sections 1, 2, 10, 11, 12, 13, 14, 15, 22, 23, and 24 of Carrington Township (Township 146 North, Range 66 West) and Sections 6, 7, 8, 16, 17, and 18 of Rose Hill Township (Township 146 North, Range 65 West) all in Foster County, North Dakota.

The estimated cost of the project to be assessed locally is \$450,549.00 to affected landowners and \$77,198.00 to township and county road authorities. The FCWRD has adopted and certified a proposed list showing the assessment percentage against each parcel of land benefited by the proposed drain and the approximate assessment in terms of money apportioned thereto (the "Proposed Percentage of Assessment & Roster of Affected Landowners"). The proposed assessment for each parcel of land benefited will be pro-rated over a period not to exceed 15 years. The Proposed Percentage of Assessment & Roster of Affected Landowners has been filed in the office of the County Auditor in Foster County for public inspection and will be mailed to each landowner who may be assessed for the proposed project.

In accordance with North Dakota law, the FCWRD will hold a public hearing on the proposed assessment drain project on Thursday, September 29, 2022, beginning at 8:00 a.m. at the Navajo Room in the Chieftain Conference Center, 60 4th Avenue South, Carrington, North Dakota 58421. All persons whose land may be subject to assessment for such drain or whose property shall be subject to condemnation for such drain, or who may be affected by such drain, may appear at this hearing and offer comments or objections regarding the proposed drain. Votes for or against the proposed drain may be filed with the FCWRD Secretary, Danielle Koepplin, before the close of business on October 11, 2022, (5:00 p.m. CST) by one of the following methods: (1) Personally filing the vote by completing the mailed ballot and filing it with the FCWRD Secretary, Danielle Koepplin, at the public hearing on September 29, 2022; (2) By mailing the ballot to the Foster County Water Resource District, Attn: Danielle Koepplin, P.O. Box 15, Carrington, ND 58421, recommended to be postmarked by October 7, 2022; or (3) By emailing the completed ballot as a PDF attachment to the Foster County Water Resource District at dkoepplin@nd.gov, no later than 5:00 p.m. CST on October 11, 2022; (Note: If submitting your vote via email, you must email a copy of the completed ballot itself. An email message without the completed ballot form attached will not be counted as the FCWRD requires your signature on the ballot to verify that you are entitled to file the vote). Any and all votes received after 5:00 p.m. CST on October 11, 2022, will not be counted.

In order that there may be a fair relation between the amount of liability for assessments and the power of objecting to the establishment of a proposed project, the voting rights of affected landowners on the question of establishing the project are as provided pursuant to N.D. Century Code, section 61-21-16: The landowner or landowners of tracts of land affected by the drain shall have one vote for each dollar of assessment that the owner's land is subject to or one vote for each dollar of the assessed valuation of land condemned for the drain, as estimated by the

board under the provisions of section 61-21-12. It is the intent of this section to allow one vote for each dollar of assessment, regardless of the number of owners of such tract of land. Where more than one owner of such land exists, the votes shall be prorated among them in accordance with each owner's interest. A written power of attorney authorizes an agent to protest a project on behalf of any affected landowner or landowners.

After the deadline for filing votes has passed, the FCWRD will immediately determine whether the project is approved pursuant to N.D. Century Code, section 61-21-15. Upon making an order establishing or denying establishment of the project, the FCWRD will publish notice of the order in the Foster County Independent.

FOSTER COUNTY WATER RESOURCE DISTRICT

/s/ Ronn Stangeland, Chair

Dated: September 2, 2022