

COMPLAINT FOR WATER-RELATED ISSUES

Stutsman County Water Resource Board

PO Box 68

Jamestown 58401

Phone: 701-252-6668

www.stutsmancounty.gov/government/water-resource-board/

General Instructions

1. This complaint must include a map from an actual survey, aerial photo, or topographic map. The size of the map shall be 8 ½ by 11 inches and shall have a north arrow. If, in the opinion of the Water Resource District, the map does not contain enough information to properly evaluate the project, more information may be requested. Any oversized or colored maps you wish each Board Member to have; you must provide a total of 6 copies.

2. You must identify your exhibits sufficiently for the Board's records and review. For example, label Exhibits 1,2,3,4, etc. and identify their contents on your Complaint where indicated.

3. All Exhibits submitted will become property of the Board and are not subject to return. Please make sure you keep a copy of all documents to be submitted to the Board. All documents and exhibits become subject to North Dakota Open Records Laws.

4. The Complaint is regarding a (please check one):

- Dam, Dike, or Other Device (North Dakota Century Code (N.D.C.C. §61-16.1-53)
- Drainage (N.D.C.C. §61-32-07 or Board Regulation)
- Obstruction to a Drain/Watercourse (N.D.C.C. §61-16.1-51)

5. Water issue is located in which Water Resource District (District)?

6. Legal Description	¼	¼	Township	Range
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7. Approximate Construction Date:

8. Description of the Issue:

9. Is your property impacted? Yes No
If yes, number of acres impacted:

10. Please explain:

11. I have attached hereto the following Exhibits, which I have labeled as follows (if applicable):

(i.e. Exhibit 1- Picture of drainage on John Doe's property taken January 1, 2015)

12. I have checked the records of the Stutsman County Recorder's Office to determine who the owner(s) of this land is/are, and such records indicate the following person(s) is/are the owner(s) of the current land (please provide information if you know who the current tenant is too, if applicable).

Complaint Filed Against:			Complaint Filed By:		
Name (print)			Name (print)		
Address			Address		
City	State	Zip Code	City	State	Zip Code
Telephone number (if known)			Telephone number		
E-mail Address (if known)			E-mail Address		
<p>By signing this form, I certify that (1) this Complaint is made in good faith and not to harass or annoy or for any other improper purpose and (2) that I have reviewed N.D.C.C. §61-32-07 and N.D.C.C. §61-16.1-51. I understand that the Board may assess certain costs with this complaint under N.D.C.C. §61-16.1-51 or N.D.C.C. §61-32-07 if it finds the complaint to be frivolous.</p>					
Signature of Complainant (if multiple signers, please also print your name):					
Dated:					

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY

Date District Received:	District File no.:
District Action:	Signed by District Secretary:
Date of Decision:	Printed Name:

DAM, DIKE, OR OTHER DEVICE COMPLAINTS (N.D.C.C. § 61-16.1-53)

The District will determine if a landowner or tenant constructed a dam, dike, or other device without first securing a construction permit as required under N.D.C.C. §61-16.1-38, or in conflict with the terms or conditions of a construction permit. North Dakota Administrative Code §89-08-01-01 defines “other device” as “a water control structure, other than a dam or dike, including diversions and holding ponds, lagoons, or dugouts.”

Additionally, Board Regulations require a permit for any dam, dike, or other device regardless of the amount of water withheld.

DRAINAGE COMPLAINTS (N.D.C.C. § 61-32-07)

Surface Drainage: The District will determine if a landowner or tenant constructed any surface drainage that impacts a watershed area of 80 acres or more without first securing a drainage permit as required under N.D.C.C. §61-32-03, or in conflict with the terms or conditions of a drainage permit.

Additionally, Board Regulations require a permit for any surface drainage, regardless of the watershed area.

OBSTRUCTION TO DRAIN COMPLAINTS (N.D.C.C. § 61-16.1-51)

The district will determine if a landowner or tenant has intentionally or negligently caused an obstruction to a natural watercourse or drain.

The District must act pursuant to the appropriate code listed above. The District shall investigate and make a determination within the reasonable amount of time (not to exceed 120 days for dams, dikes, other devices, or drains). The District shall notify all parties of its decision as required by code. If complained of activity was a dam, dike, other device, or drain, the District’s decision may be appealed to the State Engineer within 30 days of the District’s decision. If the complained of activity was an obstruction to drain, the District’s decision may be appealed to District Court.