

June 24, 2026

VIA FIRST-CLASS MAIL

John T. Farmer
123 Nice Road
Nice, ND 58051

RE: John T. Farmer
-- APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT
SYSTEM NO. 2026-01
Corn County Water Resource District -- NOTICE OF DECISION

Greetings:

This letter is to inform you of the Corn County Water Resource District's (the "District") decision regarding APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM NO. 2026-01 filed June 1, 2026. Under the Application, Applicant seeks to install a 160-acre drain tile system in the Northwest Quarter of Section 33 in Tillable Township, Corn County, North Dakota. The project will include a single pump outlet located on the west boundary of the Northwest Quarter; the pump will discharge into the east road ditch along 10th Avenue SE; the discharge will travel south in the east road ditch, along the west boundary of the Southwest Quarter of the Northwest Quarter of Section 33; at the southwest corner of the Northwest Quarter of Section 33, the discharge will flow east and south, under 10th Avenue, to the northeast corner of the Southeast Quarter of Section 32; from there, the discharge will flow south in the west road ditch along 10th Avenue, along the east boundary of the Southeast Quarter of Section 32; at the southeast corner of the Southeast Quarter, the discharge will flow into the north road ditch along the County Line Road/2nd Street SE and will flow west along the south boundary of the Southeast Quarter of Section 32.

According to the County tax roll information supplied by Applicant, John and Elaine Farmer own the Northwest Quarter of Section 33 in Tillable Township. With regard to downstream properties, Ted and Linda Neighbor own the Southeast Quarter of Section 32, and the Corn County Highway Department owns its County Line Road right of way. With regard to the two gravity outlets in Section 33, because the outlets will discharge directly into a natural watercourse/legal assessment drain, no downstream notices are required under N.D. Cent. Code § 61-32-03.1.

SMF Sample NOTICE OF DECISION - HB 1437

At its meeting on June 20, 2026, the District approved APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM NO. 2026-01, filed June 1, 2026, and approved SUBSURFACE WATER MANAGEMENT PERMIT NO. 2026-01, regarding a proposed tile system in the Northwest Quarter of Section 33 in Tillable Township, subject to the following conditions:

1. Applicant will set and install any drain tile pump at least 25 feet from the top of the back slope of Corn County Drain #1, with a pipe buried from the pump to Drain #1.
2. Applicant will install and maintain erosion protection at any and all outlets into Corn County Drain #1.
3. Applicant will install and maintain erosion protection or other ditch stabilization materials at any and all outlets into Tillable Township's road right of way/Corn County's highway right of way/NDDOT's highway right of way.
4. Applicant will install and maintain erosion protection at any and all outlets into Soybean Lake/Soybean Slough/Soybean River/the natural watercourse in the Northwest Quarter of Section 33.
5. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system, including re-seeding any Corn County Drain #1 right of way disturbed.
6. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Corn Rural Water District has in the Northwest Quarter of Section 33 in Tillable Township under any blanket easements, or otherwise beyond Corn Rural Water District's existing easement.
7. Applicant will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Corn County Water Resource District.
8. Applicant will install and maintain a control structure at the gravity outlet, and will close the outlet during "critical flood periods," as determined by the Corn County Water Resource District.
9. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2026-01 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.
10. The District will include the Northwest Quarter of Section 33 of Tillable Township in the Corn County Drain #1 assessment district at 50% benefit.

11. Applicant will remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant's tile system, but only up to one mile downstream from **[describe specific outlet, if more than one]** the project outlet - **OR** - but only up to the discharge into Corn County Drain #1 - **OR** - but only up to the discharge into Soybean Lake/Soybean Slough/Soybean River/the natural watercourse in the Northwest Quarter of Section 33.

Your permit will not become effective until you satisfy the conditions identified in this NOTICE OF DECISION. Further, please note that if, at any time, you fail to comply with the conditions above, your permit will no longer be valid.

With regard to condition #11, Applicant's obligations to remove silt or vegetation, or to repair erosion or scour damages, will only arise upon submission of substantial evidence to the Corn County Water Resource District by a downstream landowner or road authority that Applicant's tile system *directly* caused accumulation of silt or vegetation, erosion, or scouring.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the District recommends that Applicant consider complying with the following:

1. The District recommends that Applicant obtain easements from the owners of the Northwest Quarter of Section 33 to install, construct, and maintain Applicant's tile system.
2. The District recommends that Applicant obtain a pipeline easement from the owners the Southwest Quarter of Section 33 to install, construct, and maintain a buried pipeline.
3. The District recommends that Applicant obtain written permission from the Tillable Township Board of Township Supervisors/Corn County Highway Department/NDDOT to discharge into, or otherwise utilize, any of its township road/highway ditches; to install, operate, and maintain buried pipe in any of its township road/highway ditches; or to bore through its township road/highway.
4. The District recommends that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

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Please note any aggrieved party may appeal a decision of the Corn County Water Resource District to District Court in accordance with N.D. Cent. Code §§ 61-16.1-54 and 28-34-01.

Sincerely,

OHNSTAD TWICHELL, P.C.

Sean M. Fredricks

Enc. (SUBSURFACE WATER MANAGEMENT PERMIT NO. 2026-01 and downstream flow map)

cc: Courtney Rogstad -- North Dakota Department of Water Resources
Ted and Linda Neighbor
Eric Engineer, Corn County Engineer
Troy Gilbertson -- North Dakota Department of Transportation
Corn Rural Water District