

POLICY ON CROP DAMAGE PAYMENTS and LAND SURFACE ALTERATIONS

WESTERN AREA WATER SUPPLY PROJECT

As outlined in the Easements, Western Area Water Supply Authority (WAWSA) agrees to pay demonstrated crop damage incurred as part of the construction, installation, repair or maintenance of a water pipeline. This Policy is in effect for the lifetime of the WAWSA Project. Landowners and/or tenants may receive damages over the course of several years if they establish multi-year losses. The crop damage payment is intended to provide reimbursement for income that would have been received by the landowner and/or tenant if WAWSA had not caused the damage, including prevented planting.

WAWSA will be responsible for measuring the crop damage areas. The landowner and/or tenant will provide information regarding the yield of the area damaged. Yield information can be provided in one of three forms, at the landowner and/or tenant's option:

1. Documentation of the certified yield for the impacted field used for crop insurance purposes.
2. Documentation provided by the landowner/tenant to a crop insurance agent stating the current year's yield for the field impacted.
3. Payment may be based on the countywide average harvest yield times the commodity's market sales price within 30 days of harvest.
4. Another mutually agreed upon method.

The crop damage payment will not necessarily be paid upon the best yield obtained on the parcel, as some areas that WAWSA impacts may have yielded well while other areas may reflect impact by flooding, erosion or other problems. Therefore, the landowner and/or tenant will be required to provide his/her best reasonable estimate for the percent increase or decrease from the field yield certification to best reflect the yield of the area damaged by WAWSA's construction or maintenance operations.

Crop prices will be based on the contract or sale price if the crop has been contracted or sold, utilizing documentation provided by the landowner and/or tenant. If the crop has not been sold or contracted as of the date of requested reimbursement, the highest market sales price within 30 days of completion of harvest will be used for payment purposes.

Payment for crop damage will be made within 30 days after WAWSA and the landowner and/or tenant have reached agreement on the amount of the damage.

Land surface alterations will be addressed on an individual basis depending on land use. Construction or maintenance of the pipeline facilities that causes problems with drainage or agricultural operations will be corrected by WAWSA. Disagreements on damage or damage impacts will be subject to binding arbitration by a mutually acceptable third party.

If the parcel is rented out, it is incumbent on the landowner to advise WAWSA in writing of the existence of a rental agreement and the terms regarding who should receive the crop damage payment(s) and in what amounts. If there is a tenant, it is the landowner's obligation to provide WAWSA with a letter to that effect, along with the renter's name, address, and tax ID information. If the landlord fails to advise WAWSA of the existence of a tenant and the tenant's entitlement to payment, landlord will indemnify and hold WAWSA harmless from any later third party claims seeking payment for damages that were already paid to a landlord. WAWSA reserves the right to issue a joint check payable to the landlord and tenant.

Western Area Water Supply Authority (WAWSA) Crop Damage Worksheet

P.O. Box 2343 Williston, ND 58802
Ph: 701-774-6605 Fax: 701-774-6606

To the best of my knowledge, the information below accurately reflects income I would have received had the portion of the field not been damaged by water pipeline construction, installation, repair or maintenance. The undersigned(s) have the sole authority to make this claim. If I have not listed a tenant, it means there is no tenant or any other party that has a right to the crop damage payment. If I have failed to identify a tenant or other party entitled to payment for a damage claim, **I will indemnify and hold WAWSA harmless from any such third party claims** seeking payment for damages that have already been provided to me.

Legal Description of Land:

Section_____ Township_____ Range_____

Property Owners Information:

Name_____ Phone Number_____

Address _____

City, State & Zip Code _____

Property Renters Information (Single Renter or Multiple Renters):

Name_____ Name_____

Address_____ Address_____

City, State & Zip Code_____ City, State & Zip Code_____

Phone Number_____ Phone Number_____

Crop Damage Information:

Crop Type_____ Date Harvested_____

Area Damaged (Attach Property Map)_____

Yield: % of Loss (Attach Documentation) _____

Price: Sale Price, Contract Price, or Over Market Price (Attach Documentation) _____

Total Claim (Acres x Yield Loss X Price) _____

I have damages other than crop damage to report. Please explain. (You will be contacted by WAWSA)

Signature:_____

Date: _____

Please submit signed W-9 with crop damage worksheet.

CROP DAMAGE ON MULTIPLE PROPERTIES/EXCESS DAMAGE ON ONE PROPERTY:

Legal Description of Land:

Section_____ Township_____ Range_____

Crop Damage Information:

Crop Type_____ Date Harvested_____

Area Damaged (Attach Property Map) _____

Yield: % of Loss (Attach Documentation) _____

Price: Sale Price, Contract Price, or Over Market Price (Attach Documentation) _____

Total Claim (Acres x Yield Loss X Price) _____

Legal Description of Land:

Section_____ Township_____ Range_____

Crop Damage Information:

Crop Type_____ Date Harvested_____

Area Damaged (Attach Property Map) _____

Yield: % of Loss (Attach Documentation) _____

Price: Sale Price, Contract Price, or Over Market Price (Attach Documentation) _____

Total Claim (Acres x Yield Loss _____

Legal Description of Land:

Section_____ Township_____ Range_____

Crop Damage Information:

Crop Type_____ Date Harvested_____

Area Damaged (Attach Property Map) _____

Yield: % of Loss (Attach Documentation) _____

Price: Sale Price, Contract Price, or Over Market Price (Attach Documentation) _____

Total Claim (Acres x Yield Loss _____

