

Bond Case Briefs

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ASSESSMENTS - NORTH DAKOTA

Fairville Township v. Wells County Water Resource District

Supreme Court of North Dakota - December 18, 2025 - N.W.3d - 2025 WL 3672852 - 2025 ND 209

Township appealed decision by county water resource district that assessed costs against township for removing drain obstructions and reinstalling culvert crossings.

The District Court reversed district's assessment orders. District appealed.

The Supreme Court held that district's assessment orders were not authorized under statute providing water resource board with authority to remove negligent drain obstructions and assess costs to responsible landowners.

County water resource district's orders assessing costs against township for removing drain obstructions and reinstalling culvert crossings were not authorized under statute providing water resource board with authority to remove negligent drain obstructions and assess costs to responsible landowners, and thus district acted arbitrarily, capriciously, or unreasonably in issuing orders that did not comply with statute; district made no finding that township was a "landowner" as used in the statute, did not find, and had not pointed to any evidence indicating that township owned property surrounding crossings, or owned land that accrued benefit from drain, and orders did not assess district's costs against township's property, rather, orders directed county to assess costs against township.