

MAY 11 2015



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May 8, 2015

To – All County Boards of Supervisors
From – IDDA, Buena Vista County, Calhoun County and Sac County
Re – The named counties and IDDA cooperation in funding legal defense

The purpose of this letter is to update you on new developments regarding the lawsuit filed by the Des Moines Waterworks against three county boards of supervisors representing ten drainage districts. The lawsuit seeks to regulate drain tile as a “point source” of pollution and also alleges a number of other claims such as statutory nuisance, private nuisance, public nuisance, trespass, negligence and taking of property without just compensation. The lawsuit, if successful, would have massive legal and financial consequences on drainage districts and the landowners in those districts.

There has been some confusion about fundraising for the defense of the Des Moines Waterworks lawsuit and about what role IDDA will play in the process.

The IDDA board met with representative supervisors from Buena Vista and Sac Counties in April. Calhoun County, which is also party to the lawsuit, is already represented on the IDDA board. Everyone discussed the importance of being unified on this very important issue.

Here are the conclusions of that discussion-

- 1) Funds raised by IDDA will directly support the three counties legal defense as well as IDDA involvement in the effort.
- 2) IDDA will be participating in the case only upon the request of Belin McCormick Law Firm, the legal counsel retained by the three counties named in the suit.

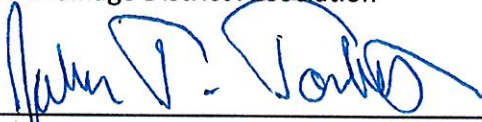
IDDA previously sent you a resolution and a request of a funding pledge of \$5,000/year for three years. The three counties named in the suit and the IDDA board ALL urge your county to adopt this resolution and provide necessary funding for the lawsuit. A new resolution is attached.

If any monies are unspent, they will be returned pro rata to those contributing to our defense fund.

We thank you in advance for consideration of this request.

Sincerely,

Iowa Drainage District Association

A handwritten signature in blue ink, appearing to read "John Torbert", written over a horizontal line.

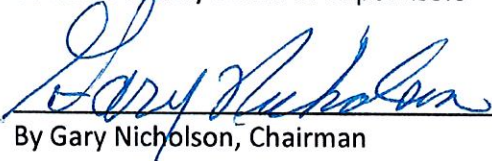
By John Torbert, Executive Director

Buena Vista County Board of Supervisors

A handwritten signature in blue ink, appearing to read "Dale Arends", written over a horizontal line.

By Dale Arends, Chairman

Calhoun County Board of Supervisors

A handwritten signature in blue ink, appearing to read "Gary Nicholson", written over a horizontal line.

By Gary Nicholson, Chairman

Sac County Board of Supervisors

A handwritten signature in blue ink, appearing to read "Rick Hecht", written over a horizontal line.

By Rick Hecht, Chairman

RESOLUTION

Whereas, the Des Moines Waterworks has filed suit under the Clean Water Act against drainage districts in Buena Vista, Calhoun and Sac Counties, and;

Whereas, the suit would seek to regulate agricultural practices which are currently exempt from regulation under the Clean Water Act, and;

Whereas, the suit, if successful would impose regulatory burdens upon drainage districts and the landowners in those districts, and;

Whereas, the suit, if successful, would require drainage district trustees to exercise powers that are not legally available to them under existing state law, and;

Whereas, the suit would irreparably harm drainage rights, operations and row crop production in this county, and;

Whereas, it is recognized that the suit, while filed against a small number of districts would, if successful, be applicable to all districts in Iowa and in other states, and;

Whereas, it is recognized that a strong legal defense must be made against the lawsuit, and;

Whereas, it would be in the best interests of Iowa counties to directly support the legal defense of the drainage districts in Buena Vista, Calhoun and Sac Counties and to have the Iowa Drainage District Association participate in the case if requested by Belin McCormick Law Firm, the attorneys retained by Buena Vista, Calhoun and Sac Counties, in order to represent the interests of all drainage districts in Iowa.

Now, therefore be it resolved that the _____ County Board of Supervisors pledges financial support to help fund the legal defense of the drainage districts in Buena Vista, Calhoun and Sac Counties; and it is understood that IDDA will disperse said monies as approved by the Defense Fund Committee as agreed to by the counties and IDDA.

Now, therefore be it further resolved that the financial support will be in the amount of \$5,000/year for three years payable to the IDDA litigation fund for the legal defense of the drainage districts in Buena Vista, Calhoun and Sac Counties. If the lawsuit is resolved in a prompt fashion and the second or third years of the financial support is not necessary, the IDDA board will notify the county that the additional financial support is not necessary.

Dated this ____ day of _____, 2015.

_____ County Board of Supervisors

Chairman of the Board

Please forward a copy of this resolution along with payment to:

TP Anderson Company
PO Box 509
Humboldt, IA. 50548