

LINDELL LAW OFFICE

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October 3, 2018

Victor Schock
Public Utilities Division
North Dakota Public Service Commission
600 E Boulevard Avenue, Dept 408
Bismarck, ND 58505-0480



RE: Aaron Weisenburger Complaint against Garrison Rural Water District
Case Number PU-18-310

Dear Mr. Schock,

I am writing on behalf of the Garrison Rural Water District ("GRWD") in response to the North Dakota One-Call complaints filed by Aaron Weisenburger on August 27, 2018, Case Number PU-18-310 against GRWD. GRWD appreciates the allowance of a tardy response. GRWD has had a recent turnover of employees and the GRWD board and current employees were not aware of the complaint until only a few days ago.

Mr. Weisenburger alleges there is not a rural water easement of record with the office of the McLean County Recorder. This is not a true statement as a rural water easement was given by a preceding owner, Robert W. Ulrich, dated September 23, 1993. A copy of the easement is enclosed.

GRWD does not know very much about the actual facts of the locate as the GRWD employee who Mr. Weisenburger states performed the locate is no longer employed by GRWD and this employment did not end on friendly terms. As a result, much of his response will be from information obtained by GRWD Board President Hjalmer Carlson. GRWD does acknowledge Schlehr Construction, who was going to dig in a water line for Mr. Weisenburger to his property, made the North Dakota One-Call request. The former GRWD employee went to Mr. Weisenburger's property to perform a locate in response to the One-Call. Mr. Carlson does not have enough information to agree or dispute Mr. Weisenburger's assessment about the employee's location of the line being located 10 feet off of the exact location, but he was informed by the contractor that Mr. Weisenburger was going to build his garage wherever he wanted to and apparently a location was attempted by GRWD in response to the One-Call.

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Response to North Dakota One-Call Complaint

Garrison Rural Water District
David Lindell, Lindell Law Office

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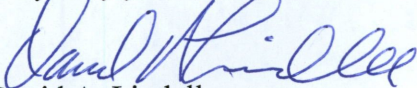
RE: Aaron Weisenburger

Regarding Mr. Weisenburger's allegations of Mr. Carlson's statements made during a telephone call between the men, Mr. Carlson denies he made the statements Mr. Weisenburger alleged in his complaint. Mr. Weisenburger was very angry and belligerent when he called Mr. Carlson and acted so inappropriately and unreasonably that Mr. Carlson felt it was best to terminate the call. Again, Mr. Carlson denies making the alleged statements during the call.

GRWD does not and cannot agree to the payment of the alleged damages Mr. Weisenburger proclaims are necessary in his complaint although the District is willing to mitigate any issues regarding the rural water line located on Mr. Weisenburger's property. GRWD and the developer of the subdivisions adjacent to Mr. Weisenburgers's subdivision are willing and have agreed to re-route the rural water line away from Mr. Weisenburger's lot and abandon the line under his lot. The re-route is planned to occur this fall after harvest of the field where the new line will be put in. This should end any concerns Mr. Weisenburger may have regarding any of his structures being built over a rural water line.

Please let me know if you require additional information or have any questions. Again, your allowance for a late response is appreciated.

Very truly yours,



David A. Lindell

enclosure

c: Garrison Rural Water District