

**PEMBINA COUNTY HIGHWAY DEPARTMENT
APPLICATION FOR FLOWAGE EASEMENT**

Name (please print): _____ Date: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Phone: _____

(Please Check One) Landowner: _____ or Renter: _____

County Road # _____ Quarter _____ Sec. _____ Twp. _____ Range _____

Number of acres being tiled: _____ Number of affected acres: _____

Has a Tiling Permit been filed with the Pembina County Water Board? _____

Have the downstream landowners been notified? _____

If so, please list those contacted: _____

Please describe the proposed project: _____

The described work must conform to the following provisions:

1. The Applicant shall sponsor the project and guarantee that no environmental conflicts are involved. The Applicant shall comply with federal, state, and local laws together with ordinances and regulations applicable to the work. The Applicant may also need to obtain a drainage permit from the Pembina County Highway Department if any County Road ditch must be cleaned to maintain flow.

2. The Applicant shall be responsible for all costs incurred for all items of work, complete in place, and shall include the furnishing of all labor, equipment, and relocation of utilities, if necessary.

3. The Applicant shall be responsible for all maintenance and repair costs of the county right-of-way, siltation, vegetation, cattail growth, and erosion control. If immediate maintenance and repairs are not made when requested by the Pembina County Highway Department, maintenance and repairs will be made by the Pembina County Highway Department at the cost of the Applicant.
4. All work must take place outside of the county right-of-way (65 feet from the centerline of any County Road), and shall be done in a neat and professional manner, work is subject to inspection and approval by the Pembina County Highway Department's Superintendent of Highways.
5. Traffic Control must be provided and maintained, if necessary, and must be in accordance with the Federal Highway Department's "Manual on Uniform Traffic Control Devices," current edition.
6. The Pembina County Highway Department specifically reserves the right to revoke or change the terms and conditions of this Permit with or without cause and upon notice to the Applicant.
7. Any violations of any of the conditions in this permit will void the permit and no further activities of this permit may continue. Pembina County has the sole discretion to interpret all of these terms and conditions and to determine whether the terms of this permit have been violated.
8. By entering upon the county right-of-way to perform the work authorized by this permit and thereby accepting the benefits of this permit, the Applicant agrees to be bound by all the terms and conditions of this permit.
9. The applicant agrees to do the work in accordance with the description of the work, describe herein, and also agrees not to infringe upon the established in-slopes or back slopes of any road ditch.
10. By entering upon the Highway right of way to perform the work authorized by this permit, the Applicant agrees to and will indemnify and hold harmless the Road Authority, their officers, agents and employees from any and all claims of action for compensation for any losses arising out of the performance of the work authorized by this permit. The indemnification shall include all costs and expenses incurred by the Road Authority. The Road Authority herein referred to shall be interpreted to mean the County under whose jurisdiction the segment of highway referred to as detailed under paragraph (a) of this application lies.
11. The Applicant by signing this application agrees and understands that should the work exceed the limits herein allowed, the permit shall become null and void and the applicant shall immediately be in violation of any laws, ordinances, rules, regulation, etc., as pertains to working without a permit.

This application when signed and dated by the applicant and the approving agencies shall become the permit to do the work described herein.

Applicant: _____	Date: _____
Land owner: _____	Date: _____
Board of Commissioners – Chairman: _____	Date: _____
Supt. of Highways: _____	Date: _____
Pembina County Water Board: _____	Date: _____