

### **5.33 Policy on Crop Damage Payments and Land Surface Alterations**

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. Landowners and/or tenants may make a request for compensation relating to crop damage caused by WAWSA for up to three growing seasons after the year WAWSA completes remediation on landowner’s property. 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. All claims for crop damage in a particular crop year must be submitted to WAWSA within 180 days of harvest of the damaged crop.

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 by December 31 of the year damaged, 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 and address. 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.

Amended: February 16, 2017

Amended: October 19, 2023

**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 \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

**Property Renters Information (Single Renter or Multiple Renters):**

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

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 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 X Price) \_\_\_\_\_

## Request for Taxpayer Identification Number and Certification

**Give Form to the  
 requester. Do not  
 send to the IRS.**

<b>Print or type See Specific Instructions on page 2.</b>	<b>1</b> Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	<b>2</b> Business name/disregarded entity name, if different from above	
	<b>3</b> Check appropriate box for federal tax classification; check only <b>one</b> of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <b>Note.</b> For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. <input type="checkbox"/> Other (see instructions) ▶ _____	<b>4</b> Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
	<b>5</b> Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	<b>6</b> City, state, and ZIP code	
	<b>7</b> List account number(s) here (optional)	

<b>Part I Taxpayer Identification Number (TIN)</b> Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3.  <b>Note.</b> If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td colspan="10" style="text-align: center;"><b>Social security number</b></td></tr> <tr><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td></tr> <tr><td colspan="4" style="text-align: center;">-</td><td colspan="2" style="text-align: center;">-</td><td colspan="4"></td></tr> </table> <p style="text-align: center;"><b>or</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td colspan="10" style="text-align: center;"><b>Employer identification number</b></td></tr> <tr><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td></tr> <tr><td colspan="4" style="text-align: center;">-</td><td colspan="6"></td></tr> </table>	<b>Social security number</b>																				-				-						<b>Employer identification number</b>																				-									
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<b>Part II Certification</b> Under penalties of perjury, I certify that: 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and 3. I am a U.S. citizen or other U.S. person (defined below); and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. <b>Certification instructions.</b> You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.
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<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶
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**General Instructions**  
 Section references are to the Internal Revenue Code unless otherwise noted.  
**Future developments.** Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at [www.irs.gov/fw9](http://www.irs.gov/fw9).  
**Purpose of Form**  
 An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
  - Form 1099-C (canceled debt)
  - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.
- If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.*
- By signing the filled-out form, you:
1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
  2. Certify that you are not subject to backup withholding, or
  3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
  4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.