

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
August 15, 2017

The Richland County Water Resource Board (RCWRB) met August 15, 2017 at 8:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers, Gary Friskop, James Haugen, Don Moffet, and Robert Rostad, Engineering Technician Justin Johnson, and Secretary-Treasurer Monica Zentgraf.

THOSE ABSENT: Arv Burvee

Minutes

The August 1, 2017 minutes were presented. A motion was made by Mgr. Moffet and seconded by Mgr. Haugen to approve the August 1, 2017 minutes as presented. The motion carried unanimously.

Financial Matters

The July 2017 financial reports were presented. Upon review, a motion was made by Mgr. Haugen and seconded by Mgr. Rostad to accept the July 2017 financial reports as presented. The motion carried unanimously.

Mail

- 1.) Richland County Commission- Minutes of the July 2017 meetings.
- 2.) Bank of New York Mellon- Pledged securities totaled \$6,466,580.990 on July 31, 2017.
- 3.) Red River Retention Authority- Minutes of the June 15, 2017 meeting and agenda for the August 31, 2017 meeting.
- 4.) Attorney David Bliss- Copy of the Richland-Wilkin Joint Powers Authority's (JPA's) attorney's letter to Judge Tunheim which spells out the JPA's very recent motion to hold the (Fargo-Moorhead) Diversion Authority accountable for not disclosing important documents to the JPA, as the JPA requested a long time ago. Mr. Bliss also addressed the matter of the RCWRB's decision as to whether to appeal the Administrative Law Judge's (ALJ's) decision relating to the State Engineer's approval of the permit for the diversion inlet structure. Discussion by the Board resulted in a consensus not to appeal the ALJ's decision. Mr. Bliss will be notified accordingly.
- 5.) Mike Bassingthwaite, Interstate Engineering- Recommendation for replacing the existing 42 inch culvert, located in the SWCR NW1/4 Section 12, Walcott West, on Proj #5(57), with a 42 inch culvert. A motion was made by Mgr. Rostad and seconded by Mgr. Moffet authorizing Comstock Construction to replace the culvert per Mr. Bassingthwaite's recommendation; project completion date of October 1, 2017. The motion carried unanimously. (RCWRD #17-035)
- 6.) Mike Bassingthwaite, Interstate Engineering- Before reviewing the correspondence regarding Proj #26, the Managers were informed that the contractor assigned to replace the 36 inch and 24 inch culverts located in the NWCR NW1/4 Section 19, Fairmount North, accidentally dug out the 54 inch culvert in the NECR NE1/4 Section 24, Devillo Township. Due to the deteriorating condition of the culvert, it was felt the culvert should be replaced. The contractor offered to install the culvert at his expense if the District pays for the new pipe. Mr. Bassingthwaite was asked to provide proper culvert sizing for the culvert and his report was reviewed at this time. Minimum sizing, based on North Dakota Stream Crossing Standards, is a 48 inch culvert. Mr. Bassingthwaite went on to say that a larger culvert may be used if deemed necessary by the Board. Discussion was held and a motion was made by Mgr. Haugen and seconded by Mgr. Moffet authorizing the purchase of a 54 inch culvert for the NECR NE1/4 Section 24, Devillo Township, at Proj #26 expense. Contractor responsible for installation costs. The motion carried unanimously. (Boll/Miller #17-004)

Photocopy Machine Maintenance Agreement

The 2017/2018 maintenance agreement from Reardon Office Equipment for the photocopy machine was presented for the Board's review. A motion was made by Mgr. Rostad and seconded by Mgr. Moffet to approve the maintenance agreement. The motion carried unanimously.

Cattail Spraying

A motion was made by Mgr. Haugen and seconded by Mgr. Moffet authorizing Larson Helicopters to spray the drains for cattails. Spraying to be done as needed with the exception of no spraying on Projs #19 and #95. The motion carried unanimously.

Helendale Private Drain

Cam Leedahl met with the Board at her request to discuss the state surface drain application for Helendale Private Drain. Mike Bassingthwaite was also present for the meeting. The Red River Joint Water Resource Board (RRJWRB) recently made recommendations to the RCWRB on the project and Mrs. Leedahl wanted to know if the Managers had any questions before taking action on the application. She indicated that she has spoken with Lowell Bladow, of the Richland County Highway Department; he had no problem with the plans. She was also meeting with the Richland County Commission after this meeting to address questions and concerns the Commission may have.

The RRJWRB recommended the RCWRB attach a condition to the application that when flows on the Sheyenne River exceed 3,000 cfs at the Kindred, North Dakota gage, the Applicants will operate all project gates and controls and limit flow at the project outlet to 48 cfs. Mrs. Leedahl presented two options to address this issue. The options are 1) Bolt the bottom of the gated structures to keep them open to maintain a 48 cfs flow or 2) Add an additional culvert alongside the gated structures to maintain a 48 cfs flow. The Applicants have not made a decision on which option to use.

Mrs. Leedahl explained that Helendale Private Drain Board of Directors will control the gates and a written operation plan will be followed. (The plan will be developed after the project is approved and they know what the conditions are.) The following suggestions were made to Mrs. Leedahl:

- Close the gates in late fall; do not wait until spring. (May be difficult if not impossible to close the gates in the spring due to snow and/or ice conditions.)
- Prepare and submit an operational plan to the North Dakota State Water Commission for consideration as part of the State's permitting process for the application. (Provide a copy of the final operation plan to the RCWRD.)
- Begin the permitting process with NRCS and the United States Army Corps of Engineers now.

The RCWRB took no action on the application at this time. (Helendale Private Drain #13-088)

Regional Conservation Partnership Program (RCPP)

Mr. Johnson and Mgrs. Moffet and Friskop reported on the RCPP Committee meeting held August 3, 2017. The draft Purpose & Needs Statement has been completed and will now go to the NRCS State Conservationist for comments from their national office. It was also noted that better attendance is needed at the committee meetings.

Applications

Appl #17-062, Travis Miller & Jesse Pausch: NE1/4 Section 13, Summit West A motion was made by Mgr. Moffet and seconded by Mgr. Rostad to refer the application to Interstate Engineering for a hydraulic study and recommendation. Work at Proj #55 expense. The motion carried unanimously.

Appl #17-063, Mark & Wanda Sherven, Peggy Sherven, John & Nicole Sherven, and Charles Sherven: NE1/4 Section 10, except Parcels, Section 10, West Center Township Applicants seek to install a subsurface water management system ("drain tile") in the NE1/4 (except parcels) in Section 10, West Center Township, Richland County, North Dakota; the water will flow east through a main which will be extended across the north side of the parcel located in the NE1/4 of the NE1/4 of Section 10, lying directly east of and adjacent to the tiled property. The tile will discharge through a gravity flow outlet

directly into Richland County Drain No. 18 in the NE1/4 of the NE1/4 of Section 10. The District owns and operates Drain No. 18.

According to records on file with the Richland County Recorder's Office, Mark and Wanda Sherven, Peggy Sherven, John and Nicole Sherven, and Charles Sherven, own that portion of the NE1/4 of Section 10 where Applicants intend to install the tile system. Further, Jay P. Schuler Revocable Living Trust, owns part of the E1/2 NE1/4 of Section 10.

Because the project will discharge directly into a legal assessment drain, no THIRTY-DAY NOTICE was necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1.

A motion was made by Mgr. Rostad, seconded by Mgr. Haugen, and unanimously carried to approve Drain Tile Appl #17-063 subject to the following conditions:

- 1) That Applicants notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 2) That Applicants provide, install, and maintain adequate erosion protection at any and all outlets into Richland County Drain No. 18;
- 3) That Applicants reseed any of the District's right of way disturbed by Applicants activities, and maintain any reseeded areas for a period of one year from the date of completion to ensure the seeding adequately repairs any disturbed areas.
- 5) That Applicants will not install Applicants tile system within 30 feet on either side of Southeast Rural Water Users rural water line on the NE1/4 of Section 10; and
- 6) That all work to be done in a neat and professional manner;

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicants permit. However, for Applicants protection, and to ensure protection of Applicants tile system, the District recommends Applicants consider complying with the following:

- 1) That Applicants notify the Richland County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submit an additional permit application;
- 2) That Applicants obtain easements from the owner of any land, besides land owned by Applicants, on which Applicants will construct the tile system;
- 3) That Applicants obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 10:25 A.M.

Respectfully submitted,

Monica Zentgraf
Secretary

Gary Friskop
Chairman of the Board