

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
June 21, 2016

The Richland County Water Resource Board (RCWRB) met June 21, 2016 at 8:40 AM at the Richland County Courthouse, Wahpeton, North Dakota.

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

### **Minutes**

A motion was made by Mgr. Friskop and seconded by Mgr. Haugen to approve the minutes of the June 14, 2016 meeting as presented. The motion carried unanimously.

### **Mail**

- 1.) Richland County Commission- May 2016 meeting minutes.
- 2.) Attorney Sean Fredricks- Update on Water Topics Overview Committee meetings held June 14<sup>th</sup> and 15<sup>th</sup> regarding Water Resource Districts (WRDs) quick-take authority. Mr. Fredricks testified on behalf of the WRDs.
- 3.) Attorney David Bliss- Copy of Eighth Circuit Court of Appeals decision on the Richland-Wilkin JPA lawsuit- Appellate Case No. 15-2123 (Fargo Moorhead Flood Diversion Project). The Appellate Court affirmed the District Court's ruling in its entirety.

### **Proj #14**

#### **•Proj #14 Erosion Repair-**

The Managers were informed that David Overboe provided a response to Engineer Bassingthwaite about the District's request for a permanent easement on 0.42 acres of Mr. Overboe's land located in the SECR Section 26, Barrie Township. Mr. Overboe agreed to grant the easement provided all of Section 6, part of Section 8, and all of Section 9 are deleted from the easement document. The District's legal counsel was contacted and Section 6 was subsequently removed from the document. Sections 8 and 9 were not changed or deleted. Engineer Bassingthwaite will present the revised document to Mr. Overboe. (RCWRD #13-181)

#### **•SE1/4 Section 11, Viking Township**

In 2015, Troy Klosterman was asked to reseed the right-of-way along Proj #14 on the east side of the SE1/4 Section 11, Viking Township, as he had destroyed the grass and was farming the right-of-way. Mr. Johnson advised the Board that Mr. Klosterman had not reseeded the right-of-way as of his last inspection. The Managers directed Mr. Johnson to reinspect the site to see if the seeding has been done. He will report back to the Board at their next meeting. (RCWRD #15-028)

### **Ivadell Woytassek Complaint**

The Managers reviewed photographs provided by Steve Mitlyng in response to Ivadell Woytassek's complaint filed against Mr. Mitlyng for discharge of water off his land in the SWCR Section 7, Grant Township. The Managers did not take any action pending discussion with Legal Counsel at their next meeting. (Woytassek #16-021)

### **Technician's Report**

Mr. Johnson provided contractor updates.

The Managers moved to the Richland County Commission Office.

### **Richland County Commission and Water Resource District Joint Meeting**

Those present, in addition to the WRB, Technician, and Secretary, were Cmr. Campbell, Berseth, Thompson, Berg, Ehlert, States Attorney McBeth, DeVal, and a *Daily News* Reporter. The following matters were brought forward:

•Red River Joint Water Resource District (RRJWRD)- The Richland County Commission received a request for 2 mills from the member WRDs to finance the RRJWRD for 2017. (This is an annual request.) The Commission will consider the request at budget time in July.

●Fargo-Moorhead Flood Diversion Opposition Expenses- Discussion was held regarding expenses the RCWRD has and will incur in their opposition to the taking of Richland County land by the Cass County WRD via eminent domain proceedings. The Richland County WRD has secured legal counsel and has and will continue to incur legal expenses as well as some engineering expenses associated with the eminent domain issue. The WRD is not in a position to cover these costs and asked for the Commission's consideration to provide funding for this matter. A bill, in the amount of \$6,761.15 was submitted to the Richland County Administration Office for costs incurred to date for legal and engineering services. Cmr. Berseth spoke about the possibility of the County redirecting their JPA funds to the RCWRD. The matter was tabled by the Commission pending input from Richland County Administrator/Auditor Harris Bailey.

●Quick-Take- Attorney Sean Fredricks testified at the Water Topics Committee meeting this past week on the subject of Quick-Take for Water Resource Districts.

●Richland-Wilkin JPA Lawsuit- Cmr. Berseth provided an update on the 8<sup>th</sup> Circuit Court of Appeals decision.

●Tri-County WRD Reconstruction Project- Mgr. Haugen reported that the Tri-County WRB anticipates work will proceed shortly after July 1<sup>st</sup>.

●Proj #2 Reconstruction/Extension- Mgr. Rostad reported the District is waiting to hear from the contractor about their start date.

Upon conclusion of the meeting with the Richland County Commission, the Managers returned to the RCWRD Office.

### **Adjournment**

There being no further business to come before the Board, Chr. Moffet adjourned the meeting at 10:05 AM.

Respectfully submitted,

Monica Zentgraf  
Secretary

Don Moffet  
Chairman of the Board