

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
April 14, 2020

The Richland County Water Resource Board ("RCWRB") met April 14, 2020 at 9:00 AM via teleconference.

THOSE PRESENT: Managers Arv Burvee, Mark Fahsholz, Gary Friskop, James Haugen, Don Moffet, Engineering Technician Justin Johnson, and Secretary-Treasurer Monica Zentgraf.

THOSE ABSENT: None

### **Minutes**

The April 7, 2020 minutes were presented. A motion was made by Mgr. Burvee and seconded by Mgr. Fahsholz to approve the April 7, 2020 minutes as presented. The motion carried unanimously.

### **Mail**

- 1) None

### **North Branch Antelope Creek Watershed Study- Regional Conservation Partnership Program ("RCPP")**

The Red River Joint Water Resource Board ("RRJWRB") approved the District's cost-share request for the \$50,000 engineering over-run on the North Branch Antelope Creek Watershed Study ("RCPP"). The attorney for the RRJWRB forwarded the "First Amendment to Cost-Share Agreement" to the District for the Board's approval. The Amendment reflects an increase of \$32,500 (65% of \$50,000) for a total cost-share amount of \$169,390. At this time a motion was made by Mgr. Burvee, seconded by Mgr. Haugen, and unanimously carried authorizing Chr. Friskop to sign the first amendment to the agreement.

The District continues to wait for North Dakota State Water Commission's ("ND SWC's") decision about cost-share assistance also. If the State denies the District's request further consideration will be needed by the Managers to decide whether or not to proceed with the remaining engineering work. (RCWRD #16-017)

### **2020 Culvert Bids**

Office Staff reported the Richland County Commission opened bids for culvert materials for 2020. TrueNorth Steel's prices remained the same as their 2019 rates.

### **Applications**

#### **Application to Install a Subsurface Water Management System No. 20-007 for Bison 64-58 Land Limited Partnership, and Evan C. Oscarson and Mary F. Oscarson, as Trustees of the Evan C. Oscarson and Mary F. Oscarson Revocable Trust, in the Northeast Quarter of Section 19 in Abercrombie East Township**

The District reviewed an *Application to Install a Subsurface Water Management System No. 20-007* filed April 8, 2020, for Bison 64-58 Land Limited Partnership, and Evan C. Oscarson and Mary F. Oscarson, as Trustees of the Evan C. Oscarson and Mary F. Oscarson Revocable Trust. Under the application, Applicants seek to install a 158-acre drain tile system in the Northeast Quarter of Section 19 in Abercrombie East Township, Richland County, North Dakota. The project will include a single gravity outlet located in the southwest corner of the Northeast Quarter of Section 19; the outlet will discharge directly into the Wild Rice River.

Because the project will discharge directly into the Wild Rice River, no THIRTY-DAY NOTICE was necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1. Under the tile law passed during the 2017 Legislative session, the District cannot require Applicants to obtain any consent from downstream landowners

since the project discharges directly into the Wild Rice River, nor can the District require Applicants to install and maintain erosion protection at the outlet. However, the District will recommend Applicants install erosion protection to protect the Wild Rice River, and downstream landowners, from erosion.

According to records supplied by Applicants, Bison 64-58 Land Limited Partnership, a Minnesota limited partnership, owns the North Half of the Northeast Quarter of Section 19 of Abercrombie East Township; Evan C. Oscarson and Mary F. Oscarson, as Trustees of the Evan C. Oscarson and Mary F. Oscarson Revocable Trust own the South Half of the Northeast Quarter of Section 19 of Abercrombie East Township.

Manager Fahsholz moved, and Manager Burvee seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20-007* filed April 8, 2020, for Bison 64-58 Land Limited Partnership and Evan C. Oscarson and Mary F. Oscarson, as Trustees of the Evan C. Oscarson and Mary F. Oscarson Revocable Trust, regarding their proposed tile system in the Northeast Quarter of Section 19 in Abercrombie East Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 20-007, subject to the following condition:

- 1) That Applicants notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets.

Upon roll call vote, the motion carried unanimously.

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 will recommend that 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, submitting an additional permit application;
- 2) That Applicants provide, install, and maintain riprap at any and all outlets into the Wild Rice River; and
- 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.

Appl #20-008, City of Wyndmere: Sections 6 and 7, Danton Township Application #20-008 was reviewed with the Board. The City of Wyndmere's application is for reconstruction of their water distribution system and storm sewer system upgrade/reconstruction. Email correspondence between the District Staff and Legal Counsel was also reviewed with the Managers. The correspondence pertained specifically to whether or not the District has jurisdiction over storm sewer projects with regard to surface drainage permitting, the District's need for their engineer to review the project for affects to the District's legal drain (#67-8), and the need for owners of two downstream farmsteads to be notified of the project. A motion was made by Mgr. Fahsholz and seconded by Mgr. Burvee to approve the City of Wyndmere's North Dakota Department of Transportation ("ND DOT") permit form and to recommend the ND DOT require the City of Wyndmere to secure permission from farmstead owners Annette Kuchera (located in Section 7, Danton Township) and Dennis Foertsch (Section 8, Danton Township).

Barry Johnson, from the engineering firm Bolton and Menk, was present on the teleconference and requested to speak to the Board. He explained peak flows will be reduced to the two farmsteads and the legal drain because of the storm water retention pond that will be installed as part of the project.

Given Mr. Johnson's comments, the aforementioned motion was amended to "recommend the ND DOT require the City of Wyndmere notify farmstead owners, Annette Kuchera and Dennis Foertsch" of the project rather than require their permission. The motion carried unanimously.

It is noted that the RCWRD lacks jurisdiction over the City of Wyndmere project and is approving the ND DOT permit form solely so the Applicant and ND DOT can meet ND DOT's federal highway rules.

Mr. (Barry) Johnson left the meeting.

### **Proj #31 Reconstruction**

Gabe Bladow, of Houston Engineering, met with the Board to provide an update on several items relating to the Proj #31 reconstruction. Mr. Bladow providing a brief overview of the project which is to reconstruct the 1.5 mile portion of the drain located in the SE1/4 Section 21 and through Section 28, Devillo Township. Ditch slopes will be flattened to 4:1 and height of the spoil banks will be increased to keep water within the drain channel. The plan is to haul dirt from areas with excess material to areas where there is a shortage of material to raise the spoil banks.

Mr. Bladow presented the following items for update and discussion purposes:

- Economic Analysis- The cost for an economic analysis was not included in Houston Engineering's Scope of Work because the threshold for an analysis was \$1,000,000 when the Scope was established and the project cost was well under the threshold. Since that time, the State lowered the threshold to \$200,000 and therefore an analysis must be completed if the District wishes to apply for cost-share assistance. Estimated cost for the analysis is \$5,000 to \$7,500.
- Benefit/Cost ("B/C") Ratio- The ND SWC is now considering cost-share assistance for projects with a b/c ratio of less than 1:1. Projects are considered on a case-by-case basis and if approved, receive a pro-rata cost-share based on the b/c ratio. (I.E. a b/c ratio of 0.5:1 would receive cost share assistance at a rate of 50% of the ND SWC's 45% full participation rate.)
- ND SWC Drainage Permit- The application was submitted to the State late last fall; approval is still pending.
- Sediment Analysis- Houston Engineering is working on the sediment analysis. The ND SWC will not provide cost-share assistance for sediment removal done in conjunction with a reconstruction project as it is considered maintenance work.
- Project Cost- Estimated between \$300,000 and \$400,000 and is being refined.
- ND SWC Water Development Plan- Houston Engineering is preparing the submission form. This must be submitted to the State no later than May 19, 2020.
- Rights-of-Way- Approximate permanent right-of-way needed:
  - SE1/4 Section 21: 1.5 to 2.0 acres
  - NE1/4 Section 28: None
  - SE1/4 Section 28: Minimal AmountTemporary right-of-way:  
Approximately 24 acres will be needed in total for the project.

Comparable sales figures (for permanent right-of-way) will be requested from the Richland County Tax Assessor. Mr. Bladow was asked to contact the District's Legal Counsel regarding what is considered permanent right-of-way as there has recently been some discussion about this subject on another project.

- Construction Timeframe- Planning for early summer 2021.

Upon conclusion of the aforementioned discussion, a motion was made by Mgr. Burvee, and seconded by Mgr. Fahsholz, authorizing Houston Engineering to proceed with the economic analysis for the Proj #31 reconstruction. The motion carried unanimously. (RCWRD #18-022)

Mr. Bladow left the meeting.

### **Proj #1 Reconstruction**

Brief discussion followed regarding the need for an economic analysis for the Proj #1 reconstruction and the Managers directed a cost estimate for the analysis be secured from Interstate Engineering. (RCWRD #17-017)

### **Technician's Report**

•Proj #72- Mr. Johnson reported erosion damage at the following locations on Proj #72:

- Site #434- NW1/4 Section 12, Abercrombie West
- Site #435- SW1/4 Section 1, Abercrombie West

Mr. Johnson suggested obtaining an engineer's recommendation for repair of the sites as there is a considerable amount of damage. Appl #20-009 was completed and a motion was made by Mgr. Fahsholz, seconded by Mgr. Burvee, and unanimously carried ordering a recommendation from Houston Engineering for repairing Sites #434 and #435.

### **Carson Klosterman Drain Tile Application #11-040**

Mgr. Moffet reported Carson Klosterman Drain Tile Appl #11-040, for the NE1/4 Section 19, Antelope Township, was approved based on the water flowing east from the pump outlet in the NECR NW1/4 of the section. Mgr. Moffet recently observed the water flowing south rather than east. He also reported that a small berm was constructed at the time the tile project was installed to keep the water from flowing south. The Managers directed Mr. Johnson to inspect the site and if the water is flowing south, to contact Carson Klosterman about making corrections so water flows east.

### **Adjournment**

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 11:30 AM.

Respectfully submitted,

*Monica Zentgraf*  
Monica Zentgraf  
Secretary

*Gary Friskop*  
Gary Friskop  
Chairman of the Board