

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
April 9, 2021- Special Meeting

The Richland County Water Resource Board ("RCWRB") met in special session April 9, 2021 at 8:30 AM at the Richland County Courthouse.

THOSE PRESENT: Managers Clint Arndt, Arv Burvee, Mark Fahsholz, Gary Friskop, Don Moffet, Engineering Technician Justin Johnson, and Secretary-Treasurer Monica Zentgraf. Richland County Commissioner Tim Campbell sat in on a portion of the meeting.

THOSE ABSENT: None

### **Approval of Agenda**

A motion was made by Mgr. Arndt, seconded by Mgr. Moffet, and unanimously carried to approve the agenda as presented.

### **Proj #66A Watershed Study**

A video conference was held with Sean Fredricks, the District's legal counsel. Mike Bassingthwaite, of Interstate Engineering, was also present for this meeting. Purpose of the meeting was to continue discussion from the March 30<sup>th</sup> meeting regarding the use of drain maintenance funds and to prepare for the Proj #66A watershed informational meeting scheduled for April 13<sup>th</sup>. (RCWRD #20-040)

### **Proj #95 Cleanout**

Office Staff reported they have been in contact with Korey Skovholt and Norbert Althoff regarding the proposed cleanout of Proj #95 in the S1/2 Section 31, Ibsen Township. Mr. Althoff advised that his Mother, Jane Althoff, is not interested in selling any land to the District nor is she or Norbert interested in having the channel cleaned on their property in the SE1/4. Mr. Skovholt wants the channel cleaned on the property he farms in the SW1/4, but would prefer the project be undertaken next spring, rather than doing it after wheat harvest this fall.

The Managers and Mr. Bassingthwaite discussed multiple alternatives to slow down the water which enters the Proj #95 drainage system. Board consensus was to table the cleanout. Mr. Johnson will check the inlet culvert sizes during his spring inspection and a meeting will be held with Mr. Bassingthwaite to further consider the matter when the culvert information is available. (RCWRD #20-030)

Mr. Bassingthwaite left the meeting.

### **Minutes**

The March 30, 2021 minutes were presented. A motion was made by Mgr. Arndt and seconded by Mgr. Moffet to approve the March 30, 2021 minutes as presented. Upon roll call vote, the motion carried unanimously.

### **Financial Matters**

●**March 2021 Financial Reports**- A motion was made by Mgr. Fahsholz and seconded by Mgr. Friskop to accept the March 2021 financial reports as presented. Upon roll call vote, the motion carried unanimously.

●**Bremer Bank Letter of Credit**- 110% of the District's securities totaled \$8,134,420.17. Bremer Bank's Letter of Credit in the amount of \$8,500,000 adequately covers the District's funds.

●**Bond Payments**- The Secretary-Treasurer reported the following bond payments are due:

Bond #2	\$ 42,755.00
Bond #5(27)	\$162,116.67

Bond #7	\$ 58,347.50
Bond #14	<u>\$116,824.22</u>
Total	\$380,043.39

A motion was made by Mgr. Arndt and seconded by Mgr. Fahsholz to approve Check #18589, in the amount of \$380,043.39 for the bond payments as herein reported. Upon roll call vote, the motion carried unanimously.

**Mail**

- 1) North Dakota Insurance Reserve Fund- Notice of May 19, 2021 annual meeting. A motion was made by Mgr. Friskop and seconded by Mgr. Moffet authorizing Secretary Zentgraf to sign the proxy ballot to appoint the Chairperson of the NDIRF Board of Directors to attend and vote for the RCWRD at the annual meeting. Upon roll call vote, the motion carried unanimously.

**Applications**

Appl #21-012, 5K Farms, LLLP: S1/2 Section 13, Nansen Township The Managers reviewed 5K Farms LLLP Drain Tile Appl #21-012 as well as a letter and several photographs submitted by Paul Hendrickson in opposition to the project.

Office Staff reported Sean Fredricks, the District's legal counsel, was contacted about Mr. Hendrickson's claim that the flow of the water from the outlet was not shown correctly on the application. Mr. Fredricks advised the letter from Mr. Hendrickson did not meet the requirements of the tile law as it did not provide hydraulic data. He further advised that the Board could not address the issues related to the water flow. Once 5K Farms tile is installed and water is running, Mr. Hendrickson can file a complaint if he finds the water flow is different than shown on the application. The Board would have to investigate at that time.

Considerable discussion followed and a telephone call was attempted to Blaine Kummer, a General Partner of 5K Farms, LLLP, to inform him of Mr. Hendrickson's concerns. Mr. Kummer was not able to be reached; the Managers took no further action. Chr. Burvee will reach out to Mr. Kummer after the meeting.

**APPLICATION FOR SURFACE DRAIN No. 5535 for Bryan Metcalf in the NE1/4 Section 22, Antelope Township**

The Board reviewed information from the State Engineer regarding APPLICATION FOR SURFACE DRAIN No. 5535 for Applicant Bryan Metcalf. Under the application, Applicant seeks to construct drainage improvements that will include approximately a half-mile of channel improvements to the south County Road 10 road ditch along the north boundary of the NE1/4 Section 22, Antelope Township. The improvements will include either lowering or re-sizing an existing west-to-east culvert through an existing approach in the northwest corner of the NE1/4 Section 22. In addition, the improvements will include the installation of a new west-to-east culvert in the northeast corner of the NE1/4 Section 22, through County Road 25; the surface drainage will daylight and discharge into a tributary of Antelope Creek on the east side of County Road 25, in the northwest corner of Section 23. The ditch improvements will include a maximum bottom width of eight feet.

According to records on file with the Richland County Recorder's office, Roland and Frances Woodbury own the NE1/4 Section 22.

Mike Bassingthwaite, of Interstate Engineering, prepared draft responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code. Mr. Bassingthwaite concluded the project will not result in adverse impacts and, with that in mind, the Board determined no hearing

was necessary under Section 89-02-01-09.1(2) of the North Dakota Administrative Code. The Board will require Applicant to obtain permission from the Richland County Highway Department to construct ditch improvements in the County Road 10 right of way, to modify the culvert through the approach in the northwest corner of the NE1/4 Section 22, and to modify the culvert through County Road 25. The Board concluded that, in light of these measures, there will be no further adverse impacts from the project.

Manager Arndt moved, and Manager Fahsholz seconded the motion, to conclude no hearing was necessary, to adopt Interstate Engineering's responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code, and to approve APPLICATION FOR SURFACE DRAIN No. 5535 for Bryan Metcalf, subject to the conditions attached by the State Engineer, and subject to the following conditions:

- 1) that Applicant will not construct or improve the drain in any manner that exceeds the dimensions indicated in the application;
- 2) that Applicant obtain written permission from the Richland County Highway Department to construct, operate, and maintain ditch improvements in the County Road 10 right of way; to lower or re-size the culvert through the existing approach in the northwest corner of the NE1/4 Section 22; to install culvert improvements through County Road 25, or to otherwise utilize any of its highway right of way;
- 3) that Applicant install and maintain erosion protection at the outlet into the tributary of Antelope Creek; and
- 4) that Applicant notify the Richland County Water Resource District in advance of any proposed improvements to the drain, including any increase in the capacity or drainage area affected, and, if necessary, submit an additional permit application.

Upon roll call vote, the motion carried unanimously. In addition to those conditions, the Board will also recommend that Applicant 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.

**Application to Install a Subsurface Water Management System No. 21-014 for Dale and Mary Erbes in the SE1/4 Section 4, Antelope Township**

The District reviewed *Application to Install a Subsurface Water Management System No. 21-014*, dated March 1, 2021, and filed March 9, 2021, for Dale and Mary Erbes. Under the application, Applicants seek to install a 142-acre drain tile system in the SE1/4 Section 4, Antelope Township, Richland County, North Dakota. The project will include a single gravity outlet that will discharge via a gravity main commencing in the southeast corner of the SE1/4 Section 4; the main will run under or through 165th Avenue SE and will daylight on the east side of 165th Avenue, in the southwest corner of the SW1/4 Section 3; the discharge will flow east, along the south boundary of Section 3, in the north road ditch along 73rd Street SE, until ultimately discharging into the natural watercourse in the SE1/4 Section 3.

According to records supplied by Applicants, Dale and Mary Erbes own the SE1/4 Section 4, Antelope Township where Applicants intend to install the tile system. With regard to downstream properties, Paul and Brigid Langseth own the S1/2 Section 3.

The Board previously provided a THIRTY-DAY NOTICE to the Langseths as the downstream landowners, as required under N.D. Cent. Code § 61-32-03.1. The Langseths did not submit any "technical evidence" to object to the project

and, therefore, the Board does not have any legal authority to require Applicants to obtain consent from any downstream landowners.

The Board also provided THIRTY-DAY NOTICES to Antelope Township and Southeast Water Users District. Southeast Water Users District has a blanket easement in the SE1/4 Section 4, Antelope Township. Applicants entered into a letter agreement with Southeast Water Users in which Applicants agreed not to install any tile lines within 20 feet of Southeast Water Users' water line.

Manager Fahsholz moved, and Manager Arndt seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 21-014*, dated March 1, 2021, and filed March 9, 2021, for Dale and Mary Erbes regarding a proposed tile system in the SE1/4 Section 4, Antelope Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 21-014, 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 riprap or other ditch stabilization materials satisfactory to Antelope Township at any and all outlets into the Township's road right of way; and
- 3) that Applicants will not install Applicants' tile system within 20 feet, on either side, of Southeast Water Users District's rural water line on the SE1/4 Section 4, Antelope Township.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicants' permit. However, for Applicants' protection, and to ensure protection of Applicants' tile system, the Board will recommend that Applicants comply 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 obtain written permission from the Antelope Township Board to discharge into, or otherwise utilize, any of its township road ditches, or to bore through 165th Avenue SE; and
- 2) 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 #21-012, 5K Farms, LLLP: S1/2 Section 13, Nansen Township  
The Managers accepted a telephone call from Blaine Kummer at this time. Chr. Burvee informed Mr. Kummer of Mr. Hendrickson's letter to the District in opposition to 5K Farms LLLP Drain Tile Proj #21-012. Chr. Burvee asked Mr. Kummer to consider installing a pump in the SECR SE1/4 Section 13 in lieu of a gravity outlet in the NECR SE1/4. Discussion followed regarding the flow of the water and Mr. Fredrick's advice to the Board; Mr. Kummer suggested the possibility of running the water across the road to the east at the NECR SE1/4 where it would flow north to the NWCR NW1/4 Section 18, Abercrombie West Township. The water would turn and flow east at that corner and into Proj #72 at the north quarter line of Section 18. Mr. Kummer indicated

he will have to talk to Agassiz Drain Tile Company and then visit with Mr. Hendrickson. He will contact the RCWRD after that. No further action was taken by the RCWRB.

**Application to Install a Subsurface Water Management System No. 21-015 for Duane and Maxine Boehning in the SE1/4 Section 4, Greendale Township**

The District reviewed *Application to Install a Subsurface Water Management System No. 21-015*, dated January 9, 2021, and filed March 10, 2021, for Duane and Maxine Boehning. Under the application, Applicants seek to install a 142-acre drain tile system in the SE1/4 Section 4, Greendale Township, Richland County, North Dakota. The project will include a single pump outlet located in the northeast corner of the SE1/4 Section 4; the pump will discharge into the west road ditch along 171st Avenue SE and will flow north along the east boundary of the NE1/4 Section 4, Greendale Township, under 96th Street SE, and along the east boundary of the SE1/4 Section 33, Waldo Township.

According to records supplied by Applicants, Duane and Maxine Boehning own the SE1/4 Section 4, Greendale Township, where Applicants intend to install the tile system. With regard to downstream properties, Daron and Jodi Sander own the NE1/4 Section 4, Greendale Township; and Arnold and Charlene Althoff own the SE1/4 Section 33, Waldo Township, subject to remainder interests in Kari V. Foertsch and Beth D. Mauch.

The Board previously provided THIRTY-DAY NOTICES to the downstream landowners in the NE1/4 Section 4, Greendale Township, and the SE1/4 Section 33, Waldo Township, as required under N.D. Cent. Code § 61-32-03.1. The Board also provided THIRTY-DAY NOTICES to Greendale Township and Waldo Township. None of the downstream parties submitted any "technical evidence" to object to the project and, therefore, the Board does not have any legal authority to require Applicants to obtain consent from any downstream landowners.

Manager Arndt moved, and Manager Moffet seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 21-015*, dated January 9, 2021, and filed March 10, 2021, for Duane and Maxine Boehning regarding a proposed tile system in the SE1/4 Section 4, Greendale Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 21-015, 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 riprap or other ditch stabilization materials satisfactory to Greendale Township at any and all outlets into the Township's road right of way; and
- 3) that Applicants must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Richland County Water Resource District.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicants' permit. However, for Applicants' protection, and to ensure protection of Applicants' tile system, the Board will recommend that Applicants comply 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 obtain written permission from the Greendale Township Board to discharge into, or otherwise utilize, any of its township road ditches; 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.

**Application to Install a Subsurface Water Management System No. 21-018 for Rudy and Laura Dotzenrod in the NE1/4 Section 6, Danton Township**

The District reviewed *Application to Install a Subsurface Water Management System No. 21-018*, dated and filed March 24, 2021, for Rudy and Laura Dotzenrod. Under the application, Applicants seek to install a 146-acre drain tile system in the NE1/4 Section 6, Danton Township, Richland County, North Dakota. The project will include two outlets; the first outlet will be a gravity outlet that will discharge via a pipeline located near the northeast corner of the NE1/4 Section 6, through 157th Avenue SE (the township road does not track the Section 5/6 section line, and runs southwest along that section line); the line will daylight on the east side of 157th Avenue and will discharge directly into Richland County Drain #67-8. The second outlet will be a pump outlet located on the west side of 157th Avenue, in the SE1/4 NE1/4 Section 6; the pump will discharge via a pipeline through 157th Avenue; the line will daylight on the east side of 157th Avenue and will discharge directly into Drain #67-8. The Richland County Water Resource District owns and operates Drain #67-8.

Because the project will discharge directly into a legal assessment drain, no THIRTY-DAY NOTICES were necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1, and, therefore, the Board does not have any legal authority to require Applicants to obtain consent from any downstream landowners. The Board will require Applicants to install and maintain erosion protection at the outlets into Drain #67-8.

Southeast Water Users District has a blanket easement in the NE1/4 Section 6, Danton Township. Applicants entered into a letter agreement with Southeast Water Users in which Applicants agreed not to install any tile lines within 20 feet of Southeast Water Users' water line.

According to records supplied by Applicants, Rudy and Laura Dotzenrod own that portion of the NE1/4 Section 6, Danton Township, where Applicants intend to install the tile system.

Manager Fahsholz moved, and Manager Friskop seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 21-018*, dated and filed March 24, 2021, for Rudy and Laura Dotzenrod regarding a proposed tile system in the NE1/4 Section 6, Danton Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 21-018, 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 install and maintain erosion protection at the outlets into Richland County Drain #67-8;

3) that Applicants will not install Applicants' tile system within 20 feet, on either side, of Southeast Water Users District's rural water line on the NE1/4 Section 6, Danton Township; and

4) that Applicants must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Richland County Water Resource District.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicants' permit. However, for Applicants' protection, and to ensure protection of Applicants' tile system, the Board will recommend that Applicants comply 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 obtain written consent from Danton Township regarding Applicants' installation of any pipelines within or through any of the Township's right of way; 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.

**Application to Install a Subsurface Water Management System No. 21-019 for Walter Hardie in the W1/2 Section 20, Fairmount South Township**

The District reviewed *Application to Install a Subsurface Water Management System No. 21-019*, dated March 26, 2021, and filed April 5, 2021, for Walter Hardie. Under the application, Applicant seeks to install a 240-acre drain tile system in the W1/2 Section 20, Fairmount South Township, Richland County, North Dakota. The project will include six gravity outlets that will all discharge directly into Richland County Drain #39. The Richland County Water Resource District owns and operates Drain #39.

Because the project will discharge directly into a legal assessment drain, no THIRTY-DAY NOTICES were necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1, and, therefore, the Board does not have any legal authority to require Applicant to obtain consent from any downstream landowners. The Board will require Applicant to install and maintain erosion protection at the outlets into Drain #39.

Southeast Water Users District indicated they do not have any water lines in the W1/2 Section 20, Fairmount South Township.

According to records supplied by Applicant, Walter Hardie owns the West Half of Section 20 of Fairmount South Township.

Manager Fahsholz moved, and Manager Arndt seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 21-019*, dated March 26, 2021, and filed April 5, 2021, for Walter Hardie regarding a proposed tile system in the W1/2 Section 20, Fairmount South Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 21-019, subject to the following conditions:

1) that Applicant notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and

2) that Applicant install and maintain erosion protection at all outlets into Richland County Drain #39.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply with the following:

1) that Applicant 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; and

2) that Applicant 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.

**Application to Install a Subsurface Water Management System No. 21-020 for Selzer Family Farm Property LLLP in the SW1/4 Section 36, Viking Township**

The District reviewed *Application to Install a Subsurface Water Management System No. 21-020*, dated and filed April 5, 2021, for Selzer Family Farm Property LLLP. Under the application, Applicant seeks to install a 155-acre drain tile system in the SW1/4 Section 36, Viking Township, Richland County, North Dakota. The project will include a single pump outlet located in the southeast corner of the SW1/4 Section 36; at the southeast corner, Applicant intends to install a north-south culvert through 66th Street SE, where the tile discharge will flow south, under 66th Street, into the south road ditch along 66th Street; the discharge will then flow east in the south road ditch, along the north boundary of Section 1, Garborg Township; at the northeast corner of Section 1, the discharge will turn south, in the west road ditch along 162nd Avenue SE, and will flow south in the west road ditch along the east boundary of Section 1.

According to records supplied by Applicant, the Selzer Family Farm Property LLLP owns the SW1/4 Section 36, Viking Township. With regard to downstream property, Selzer Farms, a North Dakota partnership, owns the N1/2 Section 1 and the East 100 acres of the SE1/4 Section 1, Garborg Township. Ronald Selzer is a managing partner or principal in both partnerships.

The application would have normally required a THIRTY-DAY NOTICE to the owners of the N1/2 Section 1 and the East 100 acres of the SE1/4 Section 1, Garborg Township, under N.D. Cent. Code § 61-32-03.1; however, Ronald Selzer is a managing partner or principal in both partnerships and, therefore, no THIRTY-DAY NOTICE was necessary to downstream landowners. The Board will require Applicant to install and maintain erosion protection at the outlet into the 66th Street road right of way, and will recommend that Applicant obtain permission to install a culvert through 66th Street.

Southeast Water Users District indicated they do not have any water lines in the SW1/4 Section 36.

Manager Moffet moved, and Manager Arndt seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 21-020*, dated and filed April 5, 2021, for Selzer Family Farm Property LLLP regarding a proposed tile system in the SW1/4 Section 36, Viking

Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT No. 21-020, subject to the following conditions:

- 1) that Applicant notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 2) that Applicant provide, install, and maintain riprap or other ditch stabilization materials at any and all outlets into the 66th Street SE road right of way; and
- 3) that Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Richland County Water Resource District.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply with the following:

- 1) that Applicant 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 Applicant obtain written consent from Viking Township and Garborg Township regarding the discharge into the 66th Street SE road right of way;
- 3) that Applicant obtain written consent from Viking Township and Garborg Township to install a culvert through 66th Street SE; and
- 4) that Applicant 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 #21-021, Selzer Family Farm Partnership, LLLP: SW1/4 Section 36, Viking Township The landowners voluntarily requested an assessment to Proj #12 due to installation of a culvert from the SW1/4 Section 36, Viking Township, to the NW1/4 Section 1, Garborg Township. The culvert will facilitate the Applicant's drain tile project, approved under Appl #21-020, as well as surface drainage. The water will flow to Proj #12. Per Board discussion at the March 9, 2021 meeting, the Board concluded the assessment to Proj #12, for the SW1/4 Section 36, Viking Township, should be added at 50% for an open culvert system and the Proj #14 assessment for this land should be reduced to 30%. The landowners consent to future assessments for Proj #12 is in lieu of the need for the RCWRD to conduct any reassessment proceedings under North Dakota Century Code §61-21-44 and 61-21-62. The landowners waived any right to any reassessment hearing, or any mailed or published notice of any hearing or reassessments required under Sections 61-21-44 and 61-21-62 regarding this initial inclusion of the property within the assessment district for Proj #12. At this time a motion was made by Mgr. Arndt and seconded by Mgr. Moffet to approve the request as herein reported. Upon roll call vote, the motion carried unanimously.

Appl #21-022 Selzer Farms, LLLP: SECR SE1/4 Section 1, Garborg Township Request for field approach culvert to be increased from an 18 inch culvert to a 24 inch culvert. The request is because of the additional water

coming to this culvert from the SW1/4 Section 36, Viking Township. A motion was made by Mgr. Arndt and seconded by Mgr. Moffet to approve Appl #21-022 and assign the culvert installation to JBX. Upon roll call vote, the motion carried unanimously.

### **Technician's Report**

Portions of Projs #18, 41, and 66A were filled with dirt from the recent wind event experienced in the valley. The affected parties on Projs #41 and 66A hired one of the District's approved contractors to remove the dirt from the legal drain along their property. Due to farming practices which caused the dirt to blow, Board consensus was that the landowners should be responsible for hiring one of the District's approved contractors to remove the dirt at their expense. Telephone calls were attempted to the parties involved on Proj #18 for the SE1/4 Section 25 and the SE1/4 Section 36, both in Mooreton Township. Neither party was reach; Mr. Johnson was directed to contact both parties accordingly.

### **Legislative Update**

The Conference Committee began debating the Senate's amendment to HB 1437 on April 8<sup>th</sup>. No consensus was reached; a second committee meeting is scheduled for April 13<sup>th</sup>. An Action Alert was received from the North Dakota Water Users recommending Water Resource Managers contact the Committee Members about the under 80 acre notification requirement which is the subject of debate.

The Conference Committee for SB 2208 is scheduled for 10:30 today.

### **Adjournment**

There being no further business to come before the Board, Chr. Burvee adjourned the meeting at 1:00 PM.

Respectfully submitted,  
*Monica Zentgraf*  
Monica Zentgraf  
Secretary

*Arv Burvee*  
Arv Burvee  
Chairman of the Board