

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
August 15, 2023

The Richland County Water Resource District ("RCWRD") met August 15, 2023, at 8:00 A.M. at the Richland County Courthouse.

THOSE PRESENT: Managers Arv Burvee, Tom Kubela, Gary Friskop, Clint Arndt, Brandon Ward, Secretary/Treasurer Tiffany Bladow, Engineering Technician Justin Johnson,

THOSE ABSENT:

### **Approval of Agenda**

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

### **Minutes**

The August 1, 2023, minutes were presented. A motion was made by Mgr. - Burvee and seconded by Mgr. Kubela to approve the August 1, 2023; minutes as presented. Upon roll call vote, the motion carried unanimously.

### **Financial Matters**

**August 2023 Vouchers-** Vouchers for the month of August 2023 were presented for the Board's review & approval. A motion was made by Mgr. Arndt and seconded by Mgr. Kubela to approve the August 2023 Vouchers #21050 through #21067 as presented. Upon roll call vote, the motion carried unanimously.

**July 2023 Financial Reports-** A motion was made by Mgr. Arndt and seconded by Mgr. Burvee to accept the July 2023 financial reports as presented. Upon roll call vote, the motion carried unanimously.

### **Mail**

- North Dakota Department of Water Resources (ND DWR) - Notice for Ben Dotzenrod's application #7333, for the appropriation of water from groundwater sources for irrigation purposes in the NE1/4 of Section 16, Freeman Township.

Brian Fuder joined the meeting.

### **Red River Retention Authority**

Brian Fuder, the new Executive Director of the Red River Retention Authority, started July 6<sup>th</sup>, 2023 and wanted to stop in to introduce himself.

Rick & Vicky Kielb, Blaine Basehore, and Kyle Christensen joined the meeting.

Gabe Bladow, Houston Engineering, Inc. joined the meeting.

### **Appl. #23-057 SE1/4 Section 11, Ibsen Township Rick Kielb**

The north drain berm is higher than the township road and would like it lowered. It washes out the township road and threatens the farmstead in the NE1/2 Section 14, Ibsen Township.

After input from the audience and Board discussion a motion was made by Mgr. Arndt and seconded by Mgr. Burvee to replace culvert from SE1/4 S.11 to SW1/4 S.12 through 173<sup>rd</sup> Ave SE by the barn and lower the berm until it is 6 inches below the Township Road. RCWRD board will monitor the snow, if snow needs to be removed in an emergency situation the board will cover the cost, but if snow removal is just for preventative purposes, the landowners will

be responsible for 50% of the cost. Upon roll call vote, the motion carried unanimously.

Justin will work with the Ibsen Township on the culvert and will also contact Scott Fixen to inform him.

Brian Fuder, Rick & Vicky Kielb, Blaine Basehore, and Kyle Christensen left the meeting.

Gene & Cari Wefel joined the meeting.

#### **Dr.#66A**

Gabe informed the board that the State Cost Share was denied. If proceed with all 3 options, it would take about 2 weeks to put together the final plans and would be able to advertise for bids in 3-4 weeks.

Tiffany Bladow will check with Bell Bank on loan details.

A motion was made by Mgr. Burvee and seconded by Mgr. Ward to proceed with all 3 options. Upon roll call vote, the motion carried unanimously.

Sean Fredricks will prepare a letter to send out to landowners of Dr.#66A affective property, that they are willing to donate the temporary right of way.

Gene & Cari Wefel left the meeting.

#### **Dr.#14**

Gabe Bladow explained that the State cost share was approved. The remaining survey will be completed later in the week, but the environmental report will have to wait until the crops are off. The goal is to have the final design completed later this year, and for this project to be bid in late winter for 2024 construction.

Gabe Bladow left the meeting.

#### **Applications**

##### **Application to Install a Subsurface Water Management System #23-058 for Brett Johnson in the NW1/4 Section 34, Garborg Township**

The Board reviewed *Application to Install a Subsurface Water Management System #23-058*. Under the application, Brett Johnson seeks to install a 160-acre drain tile system in the NW1/4 Section 34, Garborg Township. The project will include a single pump outlet located in the NE Corner of the Northwest Quarter. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of the application.

Mgr. Arndt moved, and Mgr. Burvee seconded the motion, to approve Appl #21-010 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-058, subject to the following  conditions:

- that Applicant install and maintain proper erosion protection at all outlets;
- that Applicant re-establish all disturbed areas to previous conditions, including re-seeding;
- that Applicant will not install Applicant's tile system within 20 feet, on either side of any rural water lines under any blanket easements, or otherwise beyond any existing easements the Rural Water District has for Applicant's property being tiled;

that Applicant must turn off any pump outlets and control structures during “critical flood periods,” as determined by the Richland County Water Resource District;

that Applicant must apply for an amendment to this SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;

that Applicant remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant’s tile system, but only up to one mile downstream from a project outlet, unless the distance to the nearest assessment drain, natural watercourse, slough, or lake is less than one mile downstream of the proposed outlet, in which case the Applicant remove silt or vegetation, or repair erosion or scour damage only between the outlet and the discharge into the nearest assessment drain, natural watercourse, slough, or lake.

With regard to this condition, Applicant’s obligations to remove silt or vegetation, or repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant’s tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

Upon roll call vote, the motion carried unanimously.

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

that Applicant obtain easements from the owners of any property not owned by the Applicant but on which the Applicant will install, construct, and maintain Applicant’s tile system;

that Applicant obtain a pipeline easement from the owners of property not owned by the Applicant but on which the Applicant will install, construct, and maintain a buried pipeline;

that Applicant obtain written permission from all applicable road authorities to discharge into, or otherwise utilize, any township, county, or state road ditches; to install, operate, and maintain buried pipe in any township, county, or state road ditches; or to bore or cut through any township, county, or state roads and road ditches; and

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 #23-059 for Josh Hardie in the E1/2 Section 12, LaMars Township**

The Board reviewed *Application to Install a Subsurface Water Management System #23-059*. Under the application, Josh Hardie seeks to install a 286-acre drain tile system in the E1/2 Section 12, LaMars Township. The project will include a single pump outlet located south center of Southeast Quarter. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of the application.

Mgr. Ward moved, and Mgr. Kubela seconded the motion, to approve Appl #23-059 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-059, subject to the following  conditions:

- that Applicant install and maintain proper erosion protection at all outlets;
- that Applicant re-establish all disturbed areas to previous conditions, including re-seeding;
- that Applicant will not install Applicant's tile system within 20 feet, on either side of any rural water lines under any blanket easements, or otherwise beyond any existing easements the Rural Water District has for Applicant's property being tiled;
- that Applicant must turn off any pump outlets and control structures during "critical flood periods," as determined by the Richland County Water Resource District;
- that Applicant must apply for an amendment to this SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;
- that Applicant remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to one mile downstream from a project outlet, unless the distance to the nearest assessment drain, natural watercourse, slough, or lake is less than one mile downstream of the proposed outlet, in which case the Applicant remove silt or vegetation, or repair erosion or scour damage only between the outlet and the discharge into the nearest assessment drain, natural watercourse, slough, or lake.

With regard to this condition, Applicant's obligations to remove silt or vegetation, or repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

Upon roll call vote, the motion carried unanimously.

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

- that Applicant obtain easements from the owners of any property not owned by the Applicant but on which the Applicant will install, construct, and maintain Applicant's tile system;
- that Applicant obtain a pipeline easement from the owners of property not owned by the Applicant but on which the Applicant will install, construct, and maintain a buried pipeline;
- that Applicant obtain written permission from all applicable road authorities to discharge into, or otherwise utilize, any township, county, or state road ditches; to install, operate, and maintain buried pipe in any township, county, or state road ditches; or to bore or cut through any township, county, or state roads and road ditches; and

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 #23-060 for Josh Hardie in the E1/2 Section 13, LeMars Township**

The Board reviewed *Application to Install a Subsurface Water Management System #23-060*. Under the application, Josh Hardie seeks to install a 277-acre drain tile system in the E1/2 Section 13, LeMars Township. The project will include a single pump outlet located on the east boundary of the Northeast Quarter. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of the application.

Mgr. Arndt moved, and Mgr. Ward seconded the motion, to approve Appl #23-060 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-060, subject to the following  conditions:

- that Applicant set and install any drain tile pump at least 25 feet from the top of the back slope of Richland County Drain #39, with a pipe buried from the pump to Drain #39;
- that Applicant install and maintain proper erosion protection at all outlets;
- that Applicant re-establish all disturbed areas to previous conditions, including re-seeding;
- that Applicant will not install Applicant's tile system within 20 feet, on either side of any rural water lines under any blanket easements, or otherwise beyond any existing easements the Rural Water District has for Applicant's property being tiled;
- that Applicant must turn off any pump outlets and control structures during "critical flood periods," as determined by the Richland County Water Resource District;
- that Applicant must apply for an amendment to this SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;
- that Applicant remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to one mile downstream from a project outlet, unless the distance to the nearest assessment drain, natural watercourse, slough, or lake is less than one mile downstream of the proposed outlet, in which case the Applicant remove silt or vegetation, or repair erosion or scour damage only between the outlet and the discharge into the nearest assessment drain, natural watercourse, slough, or lake.

With regard to this condition, Applicant's obligations to remove silt or vegetation, or repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

Upon roll call vote, the motion carried unanimously.

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

- ☒ that Applicant obtain easements from the owners of any property not owned by the Applicant but on which the Applicant will install, construct, and maintain Applicant's tile system;
- ☒ that Applicant obtain a pipeline easement from the owners of property not owned by the Applicant but on which the Applicant will install, construct, and maintain a buried pipeline;
- ☒ that Applicant obtain written permission from all applicable road authorities to discharge into, or otherwise utilize, any township, county, or state road ditches; to install, operate, and maintain buried pipe in any township, county, or state road ditches; or to bore or cut through any township, county, or state roads and road ditches; and
- ☒ 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.

Mike Bassingthwaite Interstate Engineering and Christi Fisher NRCS joined the meeting.

#### **RCPP**

Mike Bassingthwaite Interstate engineering told Christi Fisher and the Board he will have his information ready to be handed over to Christi Fisher and her office by the end of 2023.

Christi asked if the landowner that was initially interested in the project was still interested. The Board did not know and will contact the affected parties to find out if they are still willing to move forward with a project. Another meeting will be held after the landowner is contacted, and the Board will decide how to move forward then.

Mike Bassingthwaite and Christi Fisher left the meeting.

#### **Technician Report**

Application 23-065, Sites 644&645. SW1/4 S.3 Garborg Township.

A motion was made by Mgr. Arndt and seconded by Mgr. Kubela to approve Justin to hire Glacier to clean out sediment from Dr.#12. Upon roll call vote, the motion carried unanimously.

Application 23-032, Site 259. SW1/4 S.32 Antelope Township.

A motion was made by Mgr. Arndt and seconded by Mgr. Ward to approve Justin to hire JBX, Inc. to replace the culverts on Dr.#95 through Cody Heitkamp's driveway. Upon roll call vote, the motion carried unanimously.

#### **Miscellaneous**

A motion was by Mgr. Burvee and seconded by Mgr. Kubela to approve Sean Fredricks letter to Russ Mauch. Upon roll call vote, voting NO was manager Arndt, the remainder voted YES, and the motion carried.

#### **Adjournment**

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 11:35 A.M.

Respectfully submitted,

*Tiffany Bladow*  
Tiffany Bladow  
Secretary/Treasurer

*Gary Friskop*  
Gary Friskop  
Chr of the Board