

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
August 7, 2018

The Richland County Water Resource Board (RCWRB) met August 7, 2018 at 8:40 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Arv Burvee, Gary Friskop, Robert Rostad, Engineering Technician Justin Johnson, and Secretary-Treasurer Monica Zentgraf.

THOSE ABSENT: James Haugen and Don Moffet

### **Minutes**

The July 24, 2018 minutes were presented. A motion was made by Mgr. Burvee and seconded by Mgr. Rostad to approve the July 24, 2018 minutes as presented. The motion carried unanimously.

### **Financial Matters**

●July 2018 Financial Reports- A motion was made by Mgr. Burvee and seconded by Mgr. Rostad to accept the July 2018 financial reports as presented. The motion carried unanimously.

●2019 Budget- The 2019 budget of the Richland County Water Resource District was presented to the Board. Upon review, a motion was made by Mgr. Burvee and seconded by Mgr. Rostad to approve the 2019 budget as presented. The motion carried unanimously.

### **Mail**

- 1.) Red River Basin Commission- Notice of September 5 and 6, 2018 meetings and tour.
- 2.) North Dakota State Engineer- Notice of Application #6961, on Petition for Appropriation of Water From a Ground Water Source, submitted by Paul Mumm. Point of diversion is located in the E1/2 Section 13, Center West.
- 3.) North Dakota State Engineer- Copy of Temporary Water Permit #ND2018-18972 issued to Knife River Materials. Point of diversion is the NE1/4 NE1/4 Section 25, Dexter Township.
- 4.) North Dakota State Engineer- Copy of Temporary Water Permit #ND2018-18973 issued to Knife River Materials. Point of diversion is the NE1/4 NE1/4 Section 24, Dexter Township.
- 5.) Interstate Engineering- Email regarding United State Army Corps of Engineers (USACE) request for plan sheets for culvert replacements and cross-sectional drawings to show the existing channel bottom width and side slopes for Proj #63. Estimated engineering cost for surveying and preparing the documents is \$3,000. A motion was made by Mgr. Rostad and seconded by Mgr. Burvee authorizing Interstate Engineering to provide the requested information to the USACE. The motion carried unanimously. (Loff #15-054)

### **Houston Engineering EJCDC Agreement**

The EJCDC Agreement between the RCWRD and Houston Engineering was presented to the Board. A motion was made by Mgr. Burvee and seconded by Mgr. Rostad authorizing Chr. Friskop to execute the EJCDC Agreement between the District and Houston Engineering. The motion carried unanimously.

### **Proj #3 Reconstruction**

Mgr. Burvee reported that he met with Arnie and Dustin Anderson to continue the discussion of a potential reconstruction of Proj #3 in the NW1/4 Section 16, Lamars Township. (See April 17, 2018 minutes for Board's initial meeting with the landowners.) Andersons are interested in continuing discussions. Comp sales prepared by the Richland County Assessor were reviewed. Consensus of the Managers was to have Interstate Engineering prepare one or two cross sections and determine the approximate amount of right-of-way needed so negotiations can begin with the landowner. (RCWRD #18-004)

### **Proj #31 Reconstruction**

A conference call was held with Gregg Thielman and Gabe Bladow, of Houston Engineering. A letter outlining the scope and cost estimate for engineering services for preliminary evaluation and planning for the potential reconstruction of Proj #31 was provided for the Board's review. Discussion followed about the type of project the Managers desire, which is to improve the stability of the slopes. Consensus was to proceed with a survey after corn harvest with an eye toward a Spring 2019 bid letting and construction. (RCWRD #18-022)

### **Proj #4(28) Reconstruction**

Reconstruction plans for Proj #4(28) called for the culverts located between the SW1/4 Section 33, Abercrombie West, and NW1/4 Section 4, Ibsen Township, to be replaced. The existing culverts consist of one 36 inch and one 24 inch cmp which would be replaced with a single line of 36 inch. Dallas Loff voiced concern to the Engineer, Mike Bassingthwaite, about whether a single 36 culvert would be sufficient for his drainage. As a part of preparing reconstruction plans, Mr. Bassingthwaite completed a hydraulic study to assure the culverts met North Dakota Stream Crossing Standards. Mr. Bassingthwaite determined that a 30 inch culvert met the standards, but upsized the culvert to a 36 inch. Mr. Loff was informed of this but still wanted a 24 inch culvert added. He offered to pay for the 24 inch culvert at his expense. A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to approve installation of a 24 inch culvert between the SW1/4 Section 33, Abercrombie West, and NW1/4 Section 4, Ibsen Township, at no cost to Proj #4(28). The motion carried unanimously. (RCWRD #17-095)

### **Proj #7 Reconstruction**

The Task Order Agreement between the RCWRD and Houston Engineering was presented to the Board. A motion was made by Mgr. Rostad and seconded by Mgr. Burvee authorizing Chr. Friskop to execute the Task Order Agreement for the Proj #7 reconstruction. The motion carried unanimously. (RCWRD #17-016)

### **Helendale Private Drain, LLC**

The Secretary reported that she contacted Cam Leedahl, of Helendale Private Drain, to discuss the balance due the RCWRD. Mrs. Leedahl advised that a letter will be sent to the District outlining their repayment plan. (Helendale #13-088/Jacob #11-415/Plankers #13-208)

### **Arthur Bernard- County Road #1 Culvert Issue**

The Managers were informed that a call was received from the North Dakota State Water Commission (ND SWC) about calls the State has been receiving from Arthur Bernard. Mr. Bernard has been voicing concerns about a culvert he wants opened between the NE1/4 Section 19 and NW1/4 Section 20, Ibsen Township. This culvert was the subject of debate between Mr. Bernard and his Mother, Loretta, and the Richland County Highway Department/RCWRD for many years. The Secretary informed ND SWC staff that the District has not heard from Mr. Bernard for several years and that the culvert is under the jurisdiction of the County Highway Department, as it is through a county road. (Bernard #96-117)

### **Applications**

*Application to Install a Subsurface Water Management System No. 18-023 for Daryl L. Johnson, Kathleen A. Johnson, Ryan L. Johnson, Brett A. Johnson, and Michelle M. Johnson*

The Board reviewed an *Application to Install a Subsurface Water Management System No. 18-023* filed August 2, 2018. Under the application, Applicants seek to install a drain tile system in the East Half and the East Half of the Southwest Quarter of Section 27 of Antelope Township, Richland County, North Dakota. The project will include an outlet located in the southeast corner of Section 27 through a pipe bored diagonally through the intersection of County Road 25 (north-south between Sections 26 and 27) and the east-west township road along the south boundary of Sections 26 and 27; the diagonal pipe will daylight in the northwest corner of Section 35 and will discharge via a pump into the township road ditch along the north boundary of Section 35; the tile discharge will flow east

in the south road ditch along the north boundary of Section 35. The tile discharge will flow through what used to be a legal assessment drain known as the Homestead Drain, on right of way still owned by the Richland County Water Resource District.

Because the project will discharge into right of way owned by the Richland County Water Resource District, 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 Board cannot require Applicants to obtain flowage easements or written consent from downstream landowners. However, the Board can require Applicants to install and maintain erosion protection to protect Antelope Township's road right of way, and to turn off the project pump during "critical flood periods."

According to records on file with the Richland County Recorder's Office, Applicants own the East Half of Section 27 and the East Half of the Southwest Quarter of Section 27 where Applicants intend to install the tile system. The Richland County Water Resource District owns the right of way along the north boundary of Section 35. Douglas Erbes owns the Northeast Quarter of Section 34; Applicants obtained a "notarized letter of approval" from Mr. Erbes to obtain permission to install the diagonal culvert on a portion of the property owned by Mr. Erbes. Further, Donnell Adams owns the southwest corner of the Southwest Quarter of Section 26; Clara Veit, Trustee of the Wilfred M. Veit and Clara Jean Veit Living Trust, owns the Northwest Quarter of Section 35, adjacent to the Board's right of way; and Carmen and Terry Marohl own the North Half of the Northeast Quarter of Section 35, adjacent to the Board's right of way.

Manager Burvee moved, and Manager Rostad seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 18-023*, filed August 2, 2018, for Daryl L. Johnson, Kathleen A. Johnson, Ryan L. Johnson, Brett A. Johnson, and Michelle M. Johnson regarding the East Half and the East Half of the Southwest Quarter of Section 27 in Antelope Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 18-023, 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 satisfactory to Antelope Township at any and all outlets into Antelope Township's road right of way;
- 3) That Applicants reseed any of the Township'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;
- 4) That Applicants turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the District; and
- 5) That all work be completed in a neat and professional manner.

Applicants' permit will not become effective until the aforementioned conditions have been satisfied. Further, please note that if, at any time, the Applicants fail to comply with the aforementioned conditions, this permit will no longer be valid.

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, submit an additional permit application;

2) That Applicants obtain written permission from the Antelope Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches; to install, operate, and maintain buried pipe in any of its township road ditches; or to cut or bore through its township road; 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.

### **Technician's Report**

The following matters were brought forward:

Hydraulic studies prepared by Moore Engineering were reviewed with the Managers:

- Proj #5- Site #326, located in the NE1/4 Section 1, Colfax West. (RCWRD #18-010)

- Proj #12- Site #330, located in the SW1/4 Section 2, Garborg Township. (RCWRD #18-011)

- Proj #26- Site #336, located in the NWCR NE1/4 Section 19, Fairmount North. (RCWRD #18-012)

- Proj #26- Site #337, located in the NE1/4 Section 20, Fairmount North. (RCWRD #18-012)

Consensus of the Managers was to meet with Chad Engels, of Moore Engineering, to discuss the studies.

- Proj #55- Jason Ehlert, of Ehlert Excavating, contacted Mr. Johnson and requested Site #264, located in the SE1/4 Section 19, Summit East, be reassigned to a different contractor, as he is not able to take on this work at the present time. Mr. Johnson recommended reassigning the work to Comstock Construction. A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to reassign Site #264 to Comstock Construction. The motion carried unanimously. (RCWRD #17-039)

- Proj #55- Jason Ehlert, of Ehlert Excavating, contact Mr. Johnson and requested Site #272, located in the NE1/4 Section 13, Summit West, be reassigned to a different contractor, as he is not able to take on this work at the present time. Mr. Johnson recommended reassigning the work to Comstock Construction. A motion was made by Mgr. Burvee and seconded by Mgr. Rostad to reassign Site #272 to Comstock Construction. The motion carried unanimously. (Miller/Pausch #17-062)

### **Adjournment**

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

Respectfully submitted,  
*Monica Zentgraf*  
Monica Zentgraf  
Secretary

*Gary Friskop*  
Gary Friskop  
Chairman of the Board