

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
July 16, 2019

The Richland County Water Resource Board ("RCWRB") met July 16, 2019 at 8:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

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

THOSE ABSENT: None

### **Minutes**

The June 25, 2019 minutes were presented. A motion was made by Mgr. Burvee and seconded by Mgr. Haugen to approve the June 25, 2019 minutes as presented. The motion carried unanimously.

### **Financial Matters**

● June 2019 Financial Reports- A motion was made by Mgr. Moffet and seconded by Mgr. Rostad to accept the June 2019 financial reports as presented. The motion carried unanimously.

● Bremer Bank Letter of Credit- 110% of the District's securities totaled \$7,826,355.44 on June 30, 2019; Bremer Bank raised the Letter of Credit on June 28, 2019 to \$8,050,000 which adequately covers the District's funds.

### **Mail:**

- 1.) *Interstatements*- Interstate Engineering 2019 publication.
- 2.) North Dakota Water Users Assn- Notification of July 18<sup>th</sup> "Lower Red River Basin Tour".
- 3.) Interstate Engineering- Report for potential driveway culvert replacement and design alternatives for driveway relocation, for the Myron Holthusen driveway located on Proj #31, in the NW1/4 Section 26, Summit West. After much discussion, the Managers concluded cost estimates should be secured from Comstock Construction and JAV Construction for two with two 128 inch x 83 inch culverts and raising the road and 2) Constructing a driveway to the north and removing the existing crossing over Proj #31. Mr. Johnson will contact the contractors accordingly. (RCWRD #19-011)

### **North Dakota State Water Commission ("ND SWC") Cost Share Funding**

Email correspondence between Office Staff, Legal Counsel, Lance Gaebe, Jack Dwyer, and Gary Thompson relative to ND SWC cost share funding, was reviewed with the Managers. The concern is that it appears ND SWC Staff considers funding for water conveyance projects to be capped at \$8,000,000. Mr. Gaebe and Mr. Dwyer have been trying to arrange a meeting with State Engineer Erbele and Representative Schmidt since May but have been unsuccessful; they are hopeful that a meeting can be scheduled in the next few weeks.

### **Applications**

Appl #19-030, Mike & Mary Yaggie, Jeff & Janet Yaggie NW1/4 & E1/2 Section 21, Summit West A motion was made by Mgr. Burvee and seconded by Mgr. Rostad to defer Appl #19-030 for the installation of drain tile pending the 30 day notice to downstream landowners. The motion carried unanimously.

### **Application to Install a Subsurface Water Management System No. 19-031 for Elizabeth Corcoran in the Southwest Quarter of Section 25 in Walcott West Township**

The Board reviewed an *Application to Install a Subsurface Water Management System No. 19-031* dated July 1, 2019, for Elizabeth Corcoran. Under the application, Applicant seeks to install a 147-acre drain tile system in the Southwest Quarter of Section 25 in Walcott West Township, Richland County, North Dakota.

The project will discharge via an underground pipeline that will run north across the East Half of the Northwest Quarter of Section 25; the underground pipeline will daylight and discharge directly into Richland County Drain No. 5(64).

Because the project will discharge directly into a legal assessment drain, 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 can attach conditions to protect its drain, including a requirement that Applicant install and maintain erosion protection in Drain No. 5(64); however, the Board cannot require Applicant to obtain any easements or written consent from downstream landowners. The Board will recommend that Applicant obtain some type of easement from the owners of the Northwest Quarter of Section 25 regarding the buried perforated pipe; Applicant's tenant, Stephen Andersen, has indicated he is negotiating with the owners of the Northwest Quarter of Section 25 to obtain an easement for that purpose.

According to records supplied by Applicant, Elizabeth Corcoran owns the Southwest Quarter of Section 25 of Walcott West Township. David and Robin Oestreich own the Northwest Quarter of Section 25.

Manager Rostad moved, and Manager Moffet seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 19-031* dated July 1, 2019, for Elizabeth Corcoran in the Southwest Quarter of Section 25 in Walcott West Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 19-031, subject to the following conditions:

- 1) That Applicant provide, install, and maintain adequate erosion protection at any and all outlets into Richland County Drain No. 5(64);
- 2) That any and all outlets into Richland County Drain No. 5(64) must not be located on the side slope of the drain;
- 3) That Applicant notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 4) That Applicant must reseed any of the Board's drain right of way disturbed by Applicant's activities, and must maintain any reseeded areas for a period of one year from the date of completion to ensure the seeding adequately repairs any disturbed areas.

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 will recommend that Applicant consider complying with the following:

- 1) That Applicant obtain an easement from the owners of the Northwest Quarter of Section 25 to install and maintain an underground perforated pipeline;
- 2) 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
- 3) 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 #19-032, Timothy & Mary Ellen Jones W1/2 Section 27, Homestead A motion was made by Mgr. Burvee and seconded by Mgr. Rostad to defer Appl #19-032 for the installation of drain tile pending the 30 day notice to downstream landowners. The motion carried unanimously.

### **Proj #3 Reconstruction**

The Managers discussed the need to reconstruct Proj #3, in the SW1/4 Section 4, the W1/2 Section 9, and NW1/4 Section 16, all in Lamars Township. The Board previously met with the owners of the latter two Sections; they were not successful in gaining the landowners support for reconstruction. It is the Managers duty to protect and maintain the legal drains and thus, they feel it is imperative to continue discussions with both landowners for Section 9 and 16 and to also include the SW1/4 Section 4. A motion was made by Mgr. Moffet and seconded by Mgr. Haugen authorizing Interstate Engineering to provide a recommendation/report for reconstructing Proj #3 in the SW1/4 Section 4 and W1/2 Section 9 (to coincide with the previous report for the NW1/4 Section 16). Mgrs. Haugen, Moffet, Friskop, and Rostad voted in favor of the motion; Mgr. Burvee abstained. The motion carried. Upon receipt of the report, a meeting will be scheduled with the affected landowners. (RCWRD #18-004)

### **Proj #5(64)**

The Managers reviewed the letter Legal Counsel sent to Stephen Anderson, regarding damages to Proj #5(64), located in the SE1/4 Section 27, Walcott West. The Secretary reported Mr. Anderson contacted her and asked the District to make the necessary repairs and send the bill to him. Mr. Anderson took full responsibility for giving the drain tile company permission to do the work.

Discussion followed regarding Mr. Anderson's gravity flow tile outlet and the possibility that Mr. Anderson may need to replace the gravity flow outlet with a lift station once the drain bottom is restored. A motion was made by Mgr. Burvee and seconded by Mgr. Haugen authorizing Interstate Engineering to provide a report on the elevation of the ditch bottom prior to Mr. Anderson's work and also to provide a plan for the repairs. The motion carried unanimously. (RCWRD #19-024)

### **Agrinomics LP Subsurface Water Management Permit #19-019**

The Secretary reported one of the owners of the S1/2NE1/4 and the SE1/4 Section 16, West End Township, notified the Office of a second incident of sediment being deposited in the road ditch adjacent to their property and water backing up into their field, from Agrinomics LP recently installed drain tile system in Section 15. The landowner has been in contact with Mr. Peterson, Agrinomics LP General Partner. No action could be taken by the Board.

The Secretary also informed the Managers the minutes of June 18, 2019, mistakenly reflect "landowners in the Southeast Quarter of Section 16 and the East Half of Section 21 are reporting damages as a result of the discharge over their properties." It was duly noted that the minutes should read "landowners in the Southeast Quarter of Section 16 are reporting damages as a result of the discharge over their property."

### **Technician's Report**

- Proj #65: Site #412, located in the NE1/4 Section 26, Brandenburg Township- Replace existing 30 inch x 36 foot culvert with one of same size. Appl #19-033 was completed and a motion was made by Mgr. Burvee, seconded by Mgr. Rostad, and unanimously carried to assign the culvert replacement to JBX, at Proj #65 expense.

Mr. Johnson reported he has finished inspections on several drains and no damages were found; he intends to wrap up inspections this week.

### **2020 Budget**

Items pertaining to the District's 2020 budget were discussed.

**Adjournment**

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 12:00 Noon.

Respectfully submitted,

*Monica Zentgraf*  
Monica Zentgraf  
Secretary

*Gary Friskop*  
Gary Friskop  
Chairman of the Board