

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
July 18, 2023

The Richland County Water Resource District ("RCWRD") met July 18, 2023, at 8:00 A.M. at the Richland County Courthouse.

THOSE PRESENT: Managers Arv Burvee, Tom Kubela, Gary Friskop, Clint Arndt, Brandon Ward, Engineering Technician Justin Johnson,

THOSE ABSENT: Tiffany Bladow

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 June 6th and 20th, 2023 minutes were presented. A motion was made by Mgr. Kubela and seconded by Mgr. Burvee to approve the June 6th and 20, 2023 minutes as presented. Upon roll call vote, the motion carried unanimously.

Financial Matters

July 2023 Vouchers- Vouchers for the month of July 2023 were presented for the Board's review & approval. A motion was made by Mgr. Kubela and seconded by Mgr. Arndt to approve the July 2023 Vouchers #21028 through #21049 as presented. Upon roll call vote, the motion carried unanimously.

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

2024 Budget

A motion was made by Mgr. Burvee and seconded by Mgr. Arndt to table the discussion on the payroll budget until the next meeting. Upon roll call vote, the motion carried unanimously.

Ryan Ottis joined the meeting.

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.
- Ottis Contracting LLC. – New Contractor

A motion was made by Mgr. Kubela and seconded by Mgr. Arndt to Approve Ottis Contracting LLC. as an approved contractor for RCWRD. Upon roll call vote, the motion carried unanimously.

Ryan Ottis left the meeting.

Russ Mauch joined the meeting.

Appl. #22-079 Brosowske/Mauch Complaint

Discussion was held regarding Houston Engineering's As-Built Survey of the crossing Mauch constructed. The Survey showed the top of the crossing and the 2-24" culverts that were installed are +/-0.5' high. Russ explained he believes that the culverts they installed were below the grade of the bottom of the natural. The Board and Mr. Mauch agreed that the top of the crossing was

too high and would need to be lowered to meet the agreed upon elevation of 1043.10. Mr. Mauch explained that he will lower the top elevation soon.

Discussion was held about a possible resurvey of the bottom of the natural. There was no motion to move forward with a resurvey.

Applications

Application to Install a Subsurface Water Management System #23-044 for Tyler Anderson in the NE1/4 Section 3, Barrie Township

The Board reviewed *Application to Install a Subsurface Water Management System #23-044*. Under the application, Tyler Anderson seeks to install a 124-acre drain tile system in the NE1/4 Section 3, Barrie 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 #23-044 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-044, 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 #23-045 SE1/4 Sec. 2 Antelope Twp. A motion was made by Mgr. Burvee and seconded by Mgr. Kubela for the culvert extension. Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Water Management System #23-046 for David Braaten in the NE1/4 Section 16, Walcott West Township

The Board reviewed *Application to Install a Subsurface Water Management System #23-046*. Under the application, David Braaten seeks to install a 145-acre drain tile system in the NE1/4 Section 16, Walcott West Township. The project will include 5 gravity outlets 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. Kubela moved, and Mgr. Ward seconded the motion, to approve Appl #23-046 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-046, 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 #5(37), with a pipe buried from the pump to Drain #5(37);
- 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 #23-047NE1/4 Sec. 16 Walcott West. A motion was made by Mgr. Kubela and seconded by Mgr. Ward to hire Ottis Contracting LLC to replace multiple 12" inlet culvert with 18" Inlet culverts with flapgates. Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Water Management System #23-048 for Ryan Anderson in the NE1/4 Section 32, Walcott West Township

The Board reviewed *Application to Install a Subsurface Water Management System #23-048*. Under the application, Ryan Anderson seeks to install a 114-acre drain tile system in the NE1/4 Section 32, Walcott West Township. The project will include a single pump outlet located on the north 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 #23-048 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-048, 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 #5, with a pipe buried from the pump to Drain #5;
- 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 #23-049 for Hermunslie Viland Farms in the NW1/4 Section 29, Abercrombie East Township

The Board reviewed *Application to Install a Subsurface Water Management System #23-049*. Under the application, Hermunslie Viland Farms seeks to install a 90-acre drain tile system in the NW1/4 Section 29, Abercrombie East Township. The project will include 2 gravity outlets located on the west boundary 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 #23-049 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-049, 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 #23-050 for Myron Rostad Family Trust/Mike Vogeler in the N1/2 and SE1/4 Section 21, Colfax East Township

The Board reviewed *Application to Install a Subsurface Water Management System #23-050*. Under the application, Myron Rostad Family Trust/Mike Vogeler seeks to install a 436-acre drain tile system in the N1/2 and SE1/4 Section 21, Colfax East Township. The project will include a gravity outlet located on the north boundary of the N1/2 and 2 pump outlets located on the south boundary of the Southeast Quarter. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of the application.

Mgr. Kubela moved, and Mgr. Burvee seconded the motion, to approve Appl #23-050 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-050, 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 #2, with a pipe buried from the pump to Drain #2;
- 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.

Drain Tile Notification Appl #23-052 was reviewed at this time. No action was required by the RCWRB as the project involves less than 80 acres of drain tile. No disclosure of information is allowed per NDCC § 61-32-03.1.

Technician Report

Mr. Johnson update the Board on multiple projects.

Dr.#95 Cleanout update

Mr. Johnson explained he met with Mike Bassingthwaite and JBX on site to discuss the upcoming cleanout. Mr. Johnson will contact the adjacent landowners about possible crop damage payment. Mr. Johnson also will setup a meeting with the landowners to walk through the project after Interstate Engineering completes their temporary right-of-way survey.

Miscellaneous

Appl. #23-039 Kummer/Rieger Complaint

Mr. Johnson explained after speaking with Mr. Rieger is still working on getting a survey completed so he can provide the Board with an updated plan for his tile water outlet.

Woodbury/Hegseth Complaint

Information was requested from Mr. Woodbury's attorney. The requested information was provided to them.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 10:05 A.M.

Respectfully submitted,

Tiffany Bladow

Tiffany Bladow
Secretary/Treasurer

Gary Friskop

Gary Friskop
Chr of the Board