

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
June 29, 2021

The Richland County Water Resource Board ("RCWRB") met June 29, 2021 at 8:00 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.

THOSE ABSENT: None

Approval of Agenda

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

Minutes

The June 29, 2021 minutes were presented. A motion was made by Mgr. Fahsholz and seconded by Mgr. Friskop to approve the June 29, 2021 minutes as presented. Upon roll call vote, the motion carried unanimously.

Mail

- 1) Wells Fargo Securities- Pledge Receipt with a market value of \$9,251,394.12 covering the District's investments at Bremer Bank.
- 2) Red River Retention Authority- Red River Basin Federal Talking Points.
- 3) Helendale Private Drain, LLC- Email correspondence with Cam Leedahl, of Helendale Private Drain, Matt Lindsay and others, of the North Dakota State Water Commission, Megan Kummer, Richland County States Attorney, Jesse Sedler, Richland County Engineer, and Sean Fredricks, the District's Legal Counsel.
- 4) Ulteig Engineers, Inc- Notification of possible entry onto Proj #3 property to complete field data collection activities for a proposed North Dakota Department of Transportation roadway improvement project along ND Highway 127, located between Sections 5/6, Fairmount South Township. The Managers had no concern with entry onto Proj #3 property for the purpose of collecting data. The Managers requested the District be contacted during the design phase as the proposed structure crosses Proj #3.

Secretary-Treasurer Position

A second interview was conducted with a potential candidate for the Secretary-Treasurer position. Discussion followed at the conclusion of the interview and a motion was made by Mgr. Fahsholz and seconded by Mgr. Arndt to hire Jenna Anderson as the Secretary-Treasurer of the RCWRD effective August 2, 2021 contingent upon her acceptance of the Board's offer with a starting salary of \$3,813.34 per month plus benefits. Upon roll call vote the motion carried unanimously.

Applications

Application to Install a Subsurface Water Management System #21-054 for Danny Thompson in the E1/2NW1/4, Government Lots 1-2, and the West 7 Rods NE1/4 Section 19, Wyndmere Township

The Board reviewed *Application to Install a Subsurface Water Management System #21-054*. Under the application, Danny Thompson seeks to install a 148-acre drain tile system in the E1/2NW1/4, Government Lots 1-2, and the West 7 rods NE1/4 Section 19, Wyndmere Township. The project will include a single pump outlet located in the northwest corner 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. Friskop seconded the motion, to approve Appl #21-054 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-054, 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 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 #21-055 for James & Dianne Sedler in the NW1/4 Section 8, Brandenburg Township

The Board reviewed *Application to Install a Subsurface Water Management System #21-055*. Under the application, James & Dianne Sedler seek to install a 149-acre drain tile system in the NW1/4 Section 8, Brandenburg Township. The project will include a single pump outlet located in the northeast 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. Fahsholz seconded the motion, to approve Appl #21-055 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-055 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 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 #21-056 for Jeff Erbes in the SW1/4 Section 34, Nansen Township

The Board reviewed *Application to Install a Subsurface Water Management System #21-056*. Under the application, Jeff Erbes seeks to install an 89-acre drain tile system in the SW1/4 Section 34, Nansen Township. The project will include one gravity flow outlet located in the SW1/4 SW1/4 and one pump outlet located in the SECR SW1/4, all in Section 34. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of the application.

Mgr. Fahsholz moved, and Mgr. Arndt seconded the motion, to approve Appl #21-056 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-056, 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.

Technician's Report

●Proj #7:

Site #529- NE1/4 Section 29, Nansen Township: Mr. Johnson reported the large hole he informed the Board about at the June 22nd meeting is within the Proj #7 right-of-way. After investigating the matter it was determined the dirt was removed by a contractor working on a County Highway Department project. Mr. Johnson advised Mr. Sedler of the matter and Mr. Sedler subsequently ordered the contractor to fill in the hole. Mr. Johnson will monitor the situation to ensure the hole is filled and properly repaired before freeze up.

●Proj #19:

S. Gunness Appl #20-052, NW1/4 Section 2, Eagle South Township. Mgr. Fahsholz reported he and Mike Bassingthwaite, of Interstate Engineering, inspected the area of the drain in which Mr. Gunness requested the north side of the ditch be backsloped so it can be mowed. Mr. Bassingthwaite provided the District with a written report which the Managers reviewed at this time. After much consideration of the matter, a motion was made by Mgr. Fahsholz and seconded by Mgr. Friskop to deny the request for backsloping Proj #19 in the NW1/4 Section 2, Eagle South Township. Upon roll call vote, Mgrs. Fahsholz, Friskop, and Burvee voted in favor of the motion; Mgrs. Moffet and Arndt voted against the motion. The motion carried.

●Proj #26:

Mr. Johnson reported no damages were found during his recent inspection of the drain.

Appl #21-057, submitted by Kelly Gilles, was reviewed. Mr. Gilles requested installation of a 36 inch x 84 foot culvert on the north boundary of the NW1/4 NW1/4 Section 24, Devillo Township. Mr. Gilles indicated the current field access is extremely narrow for farm equipment. A motion was made by Mgr. Arndt and seconded by Mgr. Fahsholz to deny Appl #21-057 as the approach would not be on the legal drain. Upon roll call vote, the motion carried unanimously. Mr. Gilles will be referred to the Devillo Township Board of Supervisors as this matter falls under the jurisdiction of the Township Board.

●Proj #62:

Mr. Johnson reported on the hydraulic analysis performed by Houston Engineering for replacing two 54 inch x 112 foot cmps located in the SW1/4 Section 10, Walcott West Township. Two options were provided by Houston Engineering. Mr. Sedler was apprised of the report since this project involves County Road #6. Mr. Sedler asked that Alternative #1 be chosen, which is to

replace the two existing pipes with two 60 inch cmpps. A motion was made by Mgr. Friskop and seconded by Mgr. Fasholz to approve Alternative #1 and to assign the project to JBX, LLC. Upon roll call vote, the motion carried unanimously. (RCWRD #21-049)

Cattail Spraying

The Managers discussed the need for cattail spraying on the legal drains. A motion was made by Mgr. Arndt and seconded by Mgr. Moffet authorizing Larson Helicopters, LLC, to proceed with spraying the legal drains as needed for cattails, but not to spray Projs # 1, 17, 19, and 41 (N1/2SE1/4 Section 1, Mooreton Township and W1/2SW1/4 Section 6, Center East Township). Upon roll call vote, the motion carried unanimously.

Adjournment

There being no further business to come before the Board, Chr. Burvee adjourned the meeting at 10:25 AM.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Arv Burvee
Arv Burvee
Chairman of the Board