

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
June 8, 2021

The Richland County Water Resource Board ("RCWRB") met June 8, 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. Fahsholz, seconded by Mgr. Arndt, and unanimously carried to approve the agenda as presented.

Minutes

The May 25, 2021 minutes were presented. A motion was made by Mgr. Arndt and seconded by Mgr. Fahsholz to approve the May 25, 2021 minutes as presented. Upon roll call vote, the motion carried unanimously.

Financial Matters

•**May 2021 Financial Reports**- A motion was made by Mgr. Friskop and seconded by Mgr. Moffet to accept the May 2021 financial reports as presented. Upon roll call vote, the motion carried unanimously.

•**Bremer Bank Letter of Credit** 110% of the District's securities totaled \$7,786,539.83. Bremer Bank's Letter of Credit in the amount of \$8,450,000 adequately covers the District's funds.

Mail

- 1) Interstate Engineering- Scheduling for a Regional Conservation Partnership Program ("RCPP") meeting with landowners in the affected area of the two proposed detention sites. (RCWRD #16-017)

Mr. Johnson joined the meeting.

Mail Continued

- 2) Helendale Private Drain, LLC- Email correspondence with Cam Leedahl, of Helendale Private Drain, Matt Lindsay, of the North Dakota State Water Commission ("ND SWC"), and Sean Fredricks, the District's Legal Counsel.
- 3) ND SWC- Solicitation of Views for Surface Drain Permit #5571, for HJA Family LLC Partnership. The project is located in the NW1/4 Section 19 and N1/2 Section 24, Eagle South Township. The Board had no comments.

Applications

Application to Install a Subsurface Water Management System #21-040 for Jeff Erbes in the N1/2NW1/4 and W1/2N1/2NE1/4 Section 23, Nansen Township

The Board reviewed *Application to Install a Subsurface Water Management System #21-040*. Under the application, Jeff Erbes seeks to install a 109-acre drain tile system in the N1/2NW1/4 and W1/2N1/2NE1/4 Section 23, Nansen Township. The project will include a single gravity flow outlet located on the south boundary of the SE1/4 Section 14, where it will directly enter Richland County Drain #72. 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 #21-040 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-040, 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 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 #21-041 for Dale Erbes in the S1/2NW1/4 and SW1/4 Section 23, Nansen Township

The Board reviewed *Application to Install a Subsurface Water Management System #21-041*. Under the application, Dale Erbes seeks to install a 194-acre drain tile system in the S1/2NW1/4 and SW1/4 Section 23, Nansen

Township. The project will include a single pump outlet located in the SECR SW1/4 which will outlet directly into Richland County Drain #72. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of the application.

Mgr. Moffet moved, and Mgr. Fahsholz seconded the motion, to approve Appl #21-041 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-041, 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 #72, with a pipe buried from the pump to Drain #72;
- 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 #21-042 for Darin Prochnow in the NW1/4 Section 32, Center West Township

The Board reviewed *Application to Install a Subsurface Water Management System #21-042*. Under the application, Darin Prochnow seeks to install a 150-acre drain tile system in the NW1/4 Section 32, Center West Township. The project will include a single pump outlet located on the north 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. Friskop moved, and Mgr. Arndt seconded the motion, to approve Appl #21-042 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-042, 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 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 #21-043 for Darin Prochnow in the SE1/4 Section 2, Brandenburg Township

The Board reviewed *Application to Install a Subsurface Water Management System #21-043*. Under the application, Darin Prochnow seeks to install a 145-acre drain tile system in the SE1/4 Section 2, Brandenburg Township. The project will include a single pump outlet located in the NECR SE1/4. 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 #21-043 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-043, 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 #21-044 for Gary Osborn in the SW1/4 Section 35, Lamars Township

The Board reviewed *Application to Install a Subsurface Water Management System #21-044*, which is an after-the-fact application to replace Appl #21-011 due to a change in the outlet. Per Appl #21-044, Gary Osborn installed a 131-acre drain tile system in the SW1/4 Section 35, Lamars Township. The project includes a single pump outlet located on the west boundary of the SW1/4. The water discharges into a tile line installed under 178th Avenue SE which ties into a gravity flow tile main in the NE1/4SE1/4 Section 34. 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 #21-044 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-044, 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 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 #21-045 for Wallace Hardie in the N1/2NE1/4 Section 34, Lamars Township

The Board reviewed *Application to Install a Subsurface Water Management System #21-045*, which is an after-the-fact application filed with the District due to the outlet having been changed to tie into a system in excess of 80 acres several years ago. This application replaces Notification Application #14-063. Per Appl #21-045, several years ago Wallace Hardie installed a 70-acre drain tile system in the N1/2NE1/4 Section 34, Lamars Township. The outlet was changed to tie into a single gravity flow main located along the east boundary of the E1/2 Section 34 and SE1/4 Section 27. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of this application.

Mgr. Arndt moved, and Mgr. Fahsholz seconded the motion, to approve Appl #21-045 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-045, 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 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 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 #21-046 was reviewed by the Board. No action was required by the RCWRB as the project involves less than 80 acres of drain tile. No disclosure of information herein is allowed per NDCC § 61-32-03.1.

Appl #21-047, Cass County Electric Coop: SW1/4 Section 5, Walcott West Township No action required by RCWRB, as this project does not affect any legal drains.

APPLICATION FOR SURFACE DRAIN No. 5871 for Michael Prochnow in the NW1/4 Section 28, Greendale Township

The Board reviewed information from the State Engineer regarding APPLICATION FOR SURFACE DRAIN #5871 for Applicant Michael Prochnow. Under the application, Applicant seeks to reroute a drainage ditch on the NW1/14 Section 28, Greendale Township. Applicant intends to reroute the ditch to run parallel with Richland County Highway 22, as opposed to running

the ditch through tillable cropland. Applicant has indicated his intent to avoid use of Richland County Highway Department right of way and to instead run the drain outside of highway right of way along the north boundary of the NW1/4 Section 28. The ditch improvements will include approximately 500 feet of ditch improvements, a maximum cut of five feet, a maximum bottom width of four feet, and side slopes ranging from 4:1 to 5:1.

According to records on file with the Richland County Recorder's office, Arlin Prochnow own the NW1/4 Section 28, Greendale Township.

Mike Bassingthwaite, of Interstate Engineering, prepared draft responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code. Mr. Bassingthwaite concluded the project will not result in adverse impacts and, with that in mind, the Board determined no hearing was necessary under Section 89-02-01-09.1(2) of the North Dakota Administrative Code. The Board will require Applicant to obtain permission from the Richland County Highway Department in the event any of the improvements are, in fact, within County Road 22 right of way. The Board concluded that, in light of these measures, there will be no further adverse impacts from the project.

Mgr. Fahsholz moved, and Mgr. Arndt seconded the motion, to conclude no hearing was necessary, to adopt Interstate Engineering's responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code, and to approve APPLICATION FOR SURFACE DRAIN No. 5871 for Michael Prochnow, subject to the conditions attached by the State Engineer, and subject to the following conditions:

- 1) that Applicant will not construct or improve the drain in any manner that exceeds the dimensions indicated in the application;
- 2) that Applicant obtain written permission from the Richland County Highway Department to construct, operate, and maintain any ditch improvements in County Highway 22 right of way, or to otherwise utilize any of its highway right of way, if any of the project will be within the County's highway right of way; and
- 3) that Applicant notify the Richland County Water Resource District in advance of any proposed improvements to the drain, including any increase in the capacity or drainage area affected, and, if necessary, submit an additional permit application.

Upon roll call vote, the motion carried unanimously. In addition to those conditions, the Board will also recommend 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. (Prochnow #21-048)

Application for Surface Drain No. 5557 – RICHLAND COUNTY DRAIN #4

The Board reviewed information from the State Engineer regarding APPLICATION FOR SURFACE DRAIN NO. 5557, previously submitted by the Richland County Water Resource District regarding the Board's efforts to address modifications to Richland County Drain #4 constructed by the Richland County Highway Department. More specifically, a portion of Drain #4 lies along and across Richland County Road #8. In 2008 and 2009, the County Highway Department reconstructed portions of Highway 8 and, as a component of the County's Highway #8 reconstruction project, the County relocated and reconstructed a portion of Drain #4 in portions of Sections 25, 26, and 35 of Abercrombie West Township.

The Board recognized the necessity to acquire right of way where the County relocated Drain #4, and to obtain a new permit for the relocated and modified portions of Drain #4 from the State Engineer, as required by law. The Board has now acquired the right of way necessary to accommodate the relocated

portions of Drain #4, and the Board submitted APPLICATION FOR SURFACE DRAIN NO. 5557 to obtain after-the-fact regulatory approval for the County's relocation and reconstruction of portions of Drain #4.

The State Engineer concluded the project is not "of statewide or interdistrict significance." With that in mind, the Board was required to process and approve APPLICATION FOR SURFACE DRAIN NO. 5557, including considering and responding to the eight elements under 89-02-01-09.2 of the North Dakota Administrative Code. Mike Bassingthwaite, of Interstate Engineering, provided draft responses for the Board's consideration, including conclusions that the project has not resulted in adverse impacts on any downstream parties or on any agricultural lands. The Board adopted Mr. Bassingthwaite's draft responses.

The Board further determined no hearing was necessary regarding APPLICATION FOR SURFACE DRAIN NO. 5557 under Section 89-02-01-09.1(2) of the North Dakota Administrative Code; the Board has acquired the right of way necessary to accommodate the project, and landowners in the area are aware of the project and support the project. The Board does not anticipate adverse impacts to any landowners as a result of the project. With all of that in mind, the Board concluded no hearing was necessary.

Mgr. Arndt moved to approve APPLICATION FOR SURFACE DRAIN NO. 5557, subject to any conditions attached by the State Engineer, and to authorize the Secretary-Treasurer to sign PERMIT FOR SURFACE DRAIN NO. 5557. Mgr. Fahsholz seconded the motion. Upon roll call vote, the motion carried unanimously. (RCWRD #20-001)

Technician's Report

●Proj #62:

Site #509- SW1/4 Section 10, Abercrombie West Township: Replace two 54 inch x 112 foot cmfs. It was noted that this site involves County Road #6, therefore, the County is required to share 40% of the repair costs. Appl #21-049 was completed and a motion was made by Mgr. Fahsholz, seconded by Mgr. Friskop, and upon roll call vote unanimously carried authorizing Houston Engineering to prepare a hydraulic study.

Discussion was held about allowing Office Staff to move forward with ordering hydraulic studies when they are required rather than waiting for Board approval. Reason for allowing hydraulic studies to be ordered is to expedite completion of studies so repair work can be completed more timely. Board consensus was to allow Office Staff to order hydraulic studies.

●Proj #67-8(67)

Site #526- NE1/4 Section 32, Homestead Township: Erosion damage. Appl #21-050 was completed and a motion was made by Mgr. Arndt, seconded by Mgr. Moffet, and upon roll call vote unanimously carried to assign repairs to Ehlert Excavating.

●Proj #97:

Site #527- NE1/4 Section 21, Ibsen Township: Replace 18 inch flap gate. Appl #21-051 was completed and a motion was made by Mgr. Fahsholz, seconded by Mgr. Friskop, and upon roll call vote unanimously carried to assign repairs to Ehlert Excavating.

Secretary-Treasurer Position

Office Staff reported the Secretary-Treasurer position has been posted; closing date is June 18, 2021.

Drain Tile Process

Discussion was held regarding processing time and costs for drain tile applications under the current (2021) law. A motion was made by Mgr. Arndt

and seconded by Mgr. Fahsholz to approve the herein recited “**RICHLAND COUNTY WATER RESOURCE DISTRICT RESOLUTION OF POLICY REGARDING TILE DRAINAGE APPLICATION FEES**”. Upon roll call vote, the motion carried unanimously.

**RICHLAND COUNTY WATER RESOURCE DISTRICT
RESOLUTION OF POLICY
REGARDING TILE DRAINAGE APPLICATION FEES**

WHEREAS, the Richland County Water Resource District (the “District”) is a North Dakota water resource district and political subdivision under Chapters 61-16 and 61-16.1 of the North Dakota Century Code.

WHEREAS, the District supports tile drainage as a method of maximizing production potential for ag producers in Richland County.

WHEREAS, in accordance with Section 61-32-03.1 of the North Dakota Century Code, the District must process, consider, investigate, and approve each tile drainage application submitted to the District, also known as an “APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM,” under Section 61-32-03.1 of the North Dakota Century Code.

WHEREAS, tile permit applications require the District to conduct certain reviews and investigations before the District can make final decisions, including determinations of land ownership, potential impacts of the system to legal drains or other infrastructure, and other considerations, all in accordance with Section 61-32-03.1.

WHEREAS, the tile application review criteria are technical and legal in nature, and require compliance with specific legal procedures that typically require the District to confer with engineering and legal consultants to ensure proper review and consideration.

WHEREAS, the District’s general fund budget is comprised of those dollars generated by a maximum mill levy, as limited by applicable North Dakota law, and the District must utilize its general fund to finance and fund all of its operations, with the exception of assessment projects.

WHEREAS, the District must pay for the costs required to properly consider, investigate, and process all surface and subsurface drainage permit applications with the District’s limited general fund dollars, and utilizing general fund dollars for processing permits severely limits the District’s ability to construct, operate, maintain, and improve other projects and water infrastructure that could benefit all residents of Richland County.

WHEREAS, in light of the financial burden on the District’s general fund as a result of the District’s obligation to review, consider, investigate, and process all tile drainage permit applications in Richland County in accordance with North Dakota law, the District has concluded adoption of a formal policy regarding the expenses associated with all tile drainage applications is necessary.

WHEREAS, during the 2021 Legislative Session, the North Dakota Legislature enacted HB 1437 to amend Section 61-32-03.1, and to modify the tile permitting process; one of the provisions of HB 1437 affords the District the ability to charge tile permit fees up to a maximum of \$500 per application.

NOW THEREFORE, BE IT RESOLVED that this RESOLUTION OF POLICY represents the District’s official policy regarding tile permit application fees for purposes of reviewing, considering, investigating, and processing all tile drainage permit applications submitted to the District under Section 61-32-03.1.

BE IT FURTHER RESOLVED that the District will comply with its obligations to properly review, consider, investigate, and process all tile drainage permit applications in accordance with Section 61-32-03.1 of the North Dakota Century Code to ensure orderly and legal tile drainage in Richland County.

BE IT FURTHER RESOLVED that, in an effort to maintain sufficient dollars in its general fund to construct, operate, maintain, and improve other projects and water infrastructure for the benefit of all residents of Richland County, implementation and administration of a tile drainage permit fee policy is necessary.

BE IT FURTHER RESOLVED that, from the date of the District's approval of this RESOLUTION, the District's permit fee for each APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM is \$200 per application, due at the time the District receives the application.

BE IT FURTHER RESOLVED that this RESOLUTION OF POLICY supersedes any of the District's previous policies or practices regarding tile permit fees.

Date Approved: June 8, 2021

RICHLAND COUNTY WATER
RESOURCE DISTRICT

Arv Burvee

Arv Burvee, Chairman

ATTEST:

Monica Zentgraf

Monica Zentgraf

Secretary-Treasurer

Proj #66A

Mike Bassingthwaite, of Interstate Engineering, met with the Board to discuss costs for reconstructing a portion of Proj #66A. Mr. Bassingthwaite estimated reconstruction costs for the northern most 2.25 miles would be \$725,000, resulting in approximately \$450,000 local costs (after ND SWC cost share assistance). It appears financial/bonding constraints prohibit the District from reconstructing 2.25 miles at one time. A shorter reconstruction project could be done, but it would take several years to rebuild the fund before a second phase could be undertaken.

The Board turned their focus to what could be done to improve the function of the drain with the money on hand. No decision was reach. (RCWRD #20-040)

Obj #21-035 Lance Meyer: SW1/4 Section 31, Fairmount South Township

Lance Meyer and Joe Sauter met with the Board at this time. The Board requested both parties meet with them to attempt to resolve the complaint filed by Mr. Meyer against Mr. Sauter. Mike Bassingthwaite was also present; Sean Fredricks attended via video conference.

The complaint filed by Mr. Meyer is in regard to an obstruction to a watercourse in the SW1/4 Section 31, Fairmount South Township.

During the 1.5 hour meeting, much discussion was held about the obstruction, the flow of water in the S1/2 Section 31 and south into South Dakota, work

done by Jerry Meyer in 2005/2006 (under Meyer Appl #05-177), and a proposed settlement to the complaint.

The Board made it clear to Mr. Sauter that Mr. Bassingthwaite's report indicated the obstruction complaint is legitimate, but the Board wanted to see if the parties could arrive at a mutually acceptable resolution to avoid the necessity to order removal of the obstruction. The parties agreed to a concept and Mr. Meyer agreed the Board should hold the complaint in abeyance to allow himself and Mr. Sauter to develop a plan to submit to the Board. Board consensus was to hold the complaint in abeyance until July 20, 2021 for submission of a plan agreed to by both parties.

The proposed settlement included:

Mr. Meyer's Responsibilities:

- Construct field ditch in the SW1/4 to take water south to the township road ditch
- Lower township road ditch along a portion of the SW1/4 and SE1/4
- Lower field approach culvert in the SECR SW1/4
- Install block in the SW1/4 to force the majority of the water to the new field ditch
- Purchase and install a culvert through the block on the quarter line between the SW1/4 and SE1/4
- Secure state surface drain permit before work commences and pay all costs for acquiring permit
- Secure Fairmount Township Board of Supervisors approval for all work within the Township's right of way before work commences

Mr. Sauter:

- Work with Mr. Meyer to develop the overall project plan
- Work with Mr. Meyer on placement of a culvert through the block in the SW1/4
- Agree to not block the township road ditch in the SE1/4 after work is completed

Adjournment

There being no further business to come before the Board, Chr. Burvee adjourned the meeting at 12:30 PM.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Arv Burvee
Arv Burvee
Chairman of the Board