

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
March 21, 2023

The Richland County Water Resource District ("RCWRD") met March 21, 2023, at 9:00 A.M. at the Richland County Courthouse.

THOSE PRESENT: Managers Arv Burvee, Tom Kubela, Brandon Ward, Engineering Technician Justin Johnson, Secretary-Treasurer Tiffany Bladow.

THOSE ABSENT: Clint Arndt, Gary Friskop

Approval of Agenda

A motion was made by Mgr. Burvee and seconded by Mgr. Ward and unanimously carried to approve the agenda as presented.

Minutes

The February 21, 2023, minutes were presented. A motion was made by Mgr. Ward and seconded by Mgr. Burvee to approve the January 20, 2023; minutes as presented. Upon roll call vote, the motion carried unanimously.

Financial Matters

February 2023 Vouchers- Vouchers for the month of February 2023 were presented for the Board's review and approval. A motion was made by Mgr. Ward and seconded by Mgr. Burvee to approve Vouchers #19092 through #19106 upon roll call vote, the motion carried unanimously.

Mail

1. Bremer Bank- Signature for release of Pledges.
2. Cost Share Agreement Wild Rice Snagging and Clearing – Signature
3. Cost Share Agreement Sheyenne Snagging and Clearing – Signature
4. Certificate of Insurance and Copy of Contractors License for Glacier Enterprises LLC – New Contractor
5. North Dakota Department of Water Resources (ND DWR) - Notice of Mike Langseth's application #7304, for the appropriation of water from groundwater sources for irrigation purposes in the NE1/4 of Section 08, Garborg Township.
6. North Dakota Department of Water Resources (ND DWR) – Notice of Mooreton Enterprises application #7303, for the appropriation of water from groundwater sources for irrigation purposes in the NW1/4 and SW1/4 of Section 29, Nansen Township, and NW1/4 of Section 19, Viking Township.

A motion was made by Mgr. Burvee and seconded by Mgr. Kubela, to approve Glacier Enterprises LLC to be added to the approved contractor's list. Upon roll call, the motion carried unanimously.

Applications

Application to Install a Subsurface Water Management System #23-006 for Dan Herding in the SE1/4 Section 13, Greendale Township

The Board reviewed *Application to Install a Subsurface Water Management System #23-006*. Under the application, Dan Herding seeks to install a 88-acre drain tile system in the SE1/4 Section 13, Greendale Township. The project will include a gravity outlet located on the boundary of the Northwest Quarter Section 18. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of the application.

Mgr. Burvee moved, and Mgr. Kubela seconded the motion, to approve Appl #23-006 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-006, 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 #23-007 for Timothy Jones in the SW1/4 Section 34, West End Township

The Board reviewed *Application to Install a Subsurface Water Management System #23-007*. Under the application, Timothy Jones seeks to install a 80-acre drain tile system in the SW1/4 Section 34, West End Township. The project will include a single pump outlet located on the SE Corner of the N80 of the Southwest Quarter. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of the application.

Mgr. Ward moved, and Mgr. Burvee seconded the motion, to approve Appl #23-007 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-007, 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 #23-008 for Timothy Jones in the NW1/4 Section 24, Homestead Township

The Board reviewed *Application to Install a Subsurface Water Management System #23-008*. Under the application, Timothy Jones seeks to install a 159-acre drain tile system in the NW1/4 Section 24, Homestead Township. The project will go into an existing single pump outlet located on the south boundary of the SW1/4 of Section 27. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of the application.

Mgr. Burvee moved, and Mgr. Kubela seconded the motion, to approve Appl #23-008 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-008, 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 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.

Engineer Mike Bassingthwaite, Interstate Engineering and Kelly Miller joined the meeting.

Representatives from the 4 bidding Contractors joined the meeting, and 1 via zoom.

Drain #1 Reconstruction Bid Opening

Mike Bassingthwaite of Interstate Engineering Inc. met with the Board for the purpose of opening bids for the Reconstruction of Drain #1. Several contractors were also present. The following bids were received:

<u>Contractor</u>	<u>Base Bid</u>
JAV Construction Inc.	\$346,562.00
Gladden Construction Inc.	\$410,776.67
Comstock Construction, Inc.	\$428,799.00
John Riley Construction, Inc.	\$452,056.45
Tunheim Construction, LLC.	\$755,367.45

Clint Arndt joined the meeting by phone.

Upon conclusion of the bid opening, a motion was made by Mgr. Arndt and seconded by Mgr. Ward to refer the bids to Interstate Engineering, Inc. for verification and tabulation. Upon roll call, the motion carried unanimously. (RCWRC #17-017)

Mike Bassingthwaite, Kelly Miller, Clint Arndt, and Contractors left the meeting.

Technician's Report

Snow removal from Legal Drains was discussed and the board came to a consensus that it would be based on a case-by-case basis.

Adjournment

There being no further business to come before the Board, Vice Chr. Kubela adjourned the meeting at 11:50 A.M.

Respectfully submitted,

Tiffany Bladow
Tiffany Bladow
Secretary/Treasurer
Board

Tom Kubela
Tom Kubela
Vice Chairman of the
Board