

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
March 30, 2021

The Richland County Water Resource Board ("RCWRB") met March 30, 2021 at 9:00 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. Arndt, seconded by Mgr. Moffet, and unanimously carried to approve the agenda as presented.

#### **Proj #95 Outlet Cleanout**

Korey Skovholt and Norbert Althoff met with the Board at this time. Mike Bassingthwaite, of Interstate Engineering, was also present.

Purpose for the meeting was to discuss erosion on land farmed by Korey Skovholt and Norbert Althoff in the S1/2 Section 31, Ibsen Township. The erosion is a result of water breaking out of the Proj #95 channel due to a buildup of sediment in the channel. Excavating the drain channel back to the design will correct the lack of channel capacity. The material removed from the channel should be able to be placed on the adjacent land.

The Engineer recommended increasing the corridor to 80 feet to more fully contain the channel and ensure vegetation is maintained. It was suggested that a buffer strip be installed along the channel after it is cleaned. Approximately 3 acres of additional right-of-way will be needed to widen the corridor. Mr. Skovholt and Mr. Althoff were asked to plant wheat so the project can be done after harvest.

Purchase price for the right-of-way was considered and a motion was made by Mgr. Fahsholz, and seconded by Mgr. Moffet, to purchase the additional right-of-way in the S1/2 Section 31, Ibsen Township, for \$5,000 per acre. Upon roll call vote, the motion carried unanimously. Consensus of the Board was for Mr. Bassingthwaite to secure quotes for the cleanout and prepare right-of-way descriptions.

Mr. Skovholt and Mr. Althoff voiced their concern about Proj #95; they feel the biggest problem is that the water comes from the west too fast. Several options have been investigated by the District over the years, but no solution has been arrived at. Mr. Skovholt feels strongly that culverts need to be downsized to slow down the water. Chr. Burvee asked Mr. Bassingthwaite to provide the Board with a list of options that have been investigated. (RCWRD #20-030)

#### **Proj #66A Study**

A video conference was held with Sean Fredricks, the District's legal counsel, to discuss how drain maintenance funds can be used. (RCWRD #20-040)

#### **Proj #31 Reconstruction**

The Managers visited with Mr. Fredricks about the proposed partial reconstruction of Proj #31 and the use of eminent domain, should the Board need to utilize that option. (RCWRD #18-022)

The meeting with Mr. Fredricks concluded.

#### **Proj #66A Study**

The Managers proceeded to discuss issues associated with Proj #66A, the Interstate 29 road ditches, and Kube Drain. A motion was made by Mgr. Arndt and seconded by Mgr. Fahsholz authorizing Interstate Engineering to survey the Kube Drain in Section 22, the NW1/4 Section 27, and E1/2 Section 28, all in Mooreton Township. Survey work at Proj #66A expense. Upon roll call vote, Mgrs. Arndt, Moffet, Burvee, and Fahsholz voted in favor of said motion; Mgr. Friskop abstained from voting. The motion carried. (Note that a conflict analysis was considered by the RCWRB on July 28, 2020 regarding Mgr. Friskop's interest in Proj #66A. At that time the Board found Mgr. Friskop has a conflict but concluded Mgr. Friskop should be allowed to participate in discussion. At that time a motion was passed to preclude Mgr. Friskop from voting on matters related to Proj #66A-RCWRD Appl #20-040.)

The meeting to review Interstate Engineering's watershed study with the people in the assessment district will be held April 13, 2021.

Mr. Bassingthwaite left the meeting.

### **Minutes**

The March 23, 2021 minutes were presented. A motion was made by Mgr. Fahsholz and seconded by Mgr. Arndt to approve the March 23, 2021 minutes as presented. Upon roll call vote, the motion carried unanimously.

### **\$840,000 Maintenance Levy Improvement Bonds of 2016 and \$515,000 Maintenance Levy Improvement Bonds of 2017- Bond Call**

Ms. Zentgraf requested the Managers consider calling all remaining bonds (\$80,000) of the \$840,000 Maintenance Levy Improvement Bonds of 2016 (Issued for the Proj #5(27) reconstruction) and the remaining bonds (\$55,000) of the \$515,000 Maintenance Levy Improvement Bonds of 2017 (Issued for the Proj #14 reconstruction). Financial reports were provided for the Proj #5 and #14 sinking fund accounts. A motion was made by Mgr. Fahsholz, seconded by Mgr. Arndt, and upon roll vote, unanimously carried to call the bonds as herein reported on May 15, 2021. Legal Counsel will be directed to issue the Call Notices.

### **Bremer Bank Depository Pledge Agreement**

Bremer Bank is changing from a "Letter of Credit" to "Pledged Securities" for the District's funds held by their bank. To that end, a Depository Pledge Agreement was presented to the Board by Secretary-Treasurer Zentgraf. Ms. Zentgraf reported Mr. Fredricks reviewed the document and advised that it is in order for the Board's approval.

A motion was made by Mgr. Moffet and seconded by Mgr. Arndt authorizing Chr. Burvee to execute the Agreement and to authorize Monica Zentgraf to sign for authorized actions to be taken pursuant to the Agreement. Upon roll call vote, the motion carried unanimously.

### **Mail**

- 1) Interstate Engineering- Report stating there should be no impacts to the drain for Red River Communications request to bury a fiber optic cable under Proj #7 in the SECR Section 22, Garborg Township. A motion was made by Mgr. Fahsholz and seconded by Mgr. Arndt to approve Appl #21-017 and to authorize Chr. Burvee to sign the Utility Permit for the project. Upon roll call vote, the motion carried unanimously.

### **Applications**

**Amendment to an Application to Drain with Drain Tile No. 09-335 for Gordon B. and Anthony W. Luick in the E1/2 Section 26, Lamars Township**

On October 19, 2009 Gordon B. and Anthony W. Luick submitted Application No. 09-335 for installation of a drain tile system in the E1/2 Section 26, Lamars Township. The project consisted of a 110 acre system with a single gravity flow outlet located in the NECR NW1/4 and a single pump outlet located on the east side of the NE1/4NE1/4. Application No. 09-335 was approved by the RCWRB on November 16, 2009.

On March 25, 2021, Applicants requested to amend Application No. 09-335 to add 63 acres of drain tile to an existing system for land located in the SE1/4 Section 26, Lamars Township. Applicants informed the RCWRD the additional 63 acres will tie into the existing main located on the west side of the E1/2 Section 26 and will discharge through the existing gravity flow outlet located in the NECR NW1/4, into the south township road ditch along 100<sup>th</sup> Street SE and flow west for a short distance where it will flow into a natural watercourse in the NE1/4NW1/4 Section 26.

Southeast Water Users District has a blanket easement in the SE1/4 Section 26, Lamars Township. Applicants entered into a letter agreement with Southeast Water Users in which Applicants agreed not to install any tile lines within 20 feet of Southeast Water Users' water line.

According to records supplied by Applicants, Gordon B. and Anthony W. Luick own the N1/2 and SE1/4 Section 26, Lamars Township. Because the water will flow into a natural watercourse on Applicants property, no *Thirty Day Notice to Downstream Landowners* is required.

Manager Friskop moved, and Manager Fahsholz seconded the motion, to approve an amendment to *Drain with Drain Tile No. 09-335*, requested by the Applicants on March 25, 2021, regarding the addition of 63 acres of drain tile to the existing system located in the E1/2 Section 26, Lamars Township, subject to the following conditions:

- 1) that Applicants notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) that Applicants will not install Applicants tile system within 20 feet, on either side, of Southeast Water Users District's rural water line in the SE1/4 Section 26, Lamars Township.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicants permit. However, for Applicants protection, and to ensure protection of Applicants tile system, the Board will recommend that Applicants comply with the following:

- 1) that Applicants notify the Richland County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 2) that Applicants obtain written consent from Lamars Township to discharge into or otherwise utilize its Township road right of way; and
- 3) that Applicants 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.

### **Legislative Update**

HB 1437, with the Senate Ag Committee's amendment for the under 80 acre notification requirement, passed on the Senate Floor with a unanimous 46-0 vote. It is anticipated the House will ask for a Conference Committee to work out the differences between the House and Senate versions of the bill.

Chr. Burvee attended Coffee with the Legislators held March 27<sup>th</sup> where he visited with Senator Luick about the amendment to HB 1437. Senator Luick does not appear willing to change the amendment citing property rights and numerous emails he has received from constituents opposing the under 80 acre notification requirement.

Office Staff, Mr. Fredricks, and North Dakota State Water Commission Staff, met via video conference and began working on new application and permit forms.

No word has been received whether the Senate concurred with the amendments made to SB 2208 by the House or if this bill will also go to Conference Committee.

**Adjournment**

There being no further business to come before the Board, Chr. Burvee adjourned the meeting at 11:30 AM.

Respectfully submitted,  
*Monica Zentgraf*  
Monica Zentgraf  
Secretary

*Arv Burvee*  
Arv Burvee  
Chairman of the Board