

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
March 22, 2022

The Richland County Water Resource Board ("RCWRB") met March 22, 2022 at 9:00 A.M. at the Richland County Courthouse.

THOSE PRESENT: Managers Arv Burvee, Tom Kubela, Gary Friskop, Don Moffet, Engineering Technician Justin Johnson, Secretary-Treasurer Tiffany Bladow.

THOSE ABSENT: Clint Arndt

### **Approval of Agenda**

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

### **Minutes**

The March 15, 2022 minutes were presented. A motion was made by Mgr. Friskop and seconded by Mgr. Kubela, to approve the March 15, 2022 minutes as presented. Upon roll call vote, the motion carried unanimously.

### **Mail**

- 1) Bill from Interstate Engineering for the meeting regarding the Kube drain.

### **Financial Matters**

- March 2022 Vouchers- Vouchers for the month of March 2022 were presented for the Board's review and approval. A motion was made by Mgr. Moffet and seconded by Mgr. Kubela to approve Vouchers #18876 through #18847 upon roll call vote, the motion carried unanimously.

**Drain Tile Notification Appl #22-006** 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.

**Dr. #4(32) Appl #22-007 RCWRD/Cory Callenius** Justin Johnson received a phone call from Cory Callenius on 3/19/22 about water backing up in the SE ¼ Section 7 Ibsen Twp. Mr. Johnson reviewed the site with Mr. Callenius. Mr. Johnson hired Ehler's Excavating to remove snow & ice on both the west and east sides County Road 1 before the water could affect Mr. Callenius's barn. Mgr. Kubela moved, and Mgr. Moffet seconded the motion, to approve Appl #22-007.

### **Application to Install a Subsurface Water Management System #22-008 for Darin Prochnow in the SE1/4 Section 2, Waldo Township**

The Board reviewed *Application to Install a Subsurface Water Management System #22-008*. Under the application, Darin Prochnow seeks to install a 154-acre drain tile system in the SE1/4 Section 2, Waldo Township. The project will include 3 gravity outlets located on the west 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. Friskop seconded the motion, to approve Appl #22-008 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #22-008, 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 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 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 #22-009 for Jeffrey Steger in the SE1/4 Section 17, Ibsen Township**

The Board reviewed *Application to Install a Subsurface Water Management System #22-009*. Under the application, Jeffrey Steger seeks to install a 154-acre drain tile system in the SE1/4 Section 17, Ibsen Township. The project will include a single pump outlet 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. Friskop seconded the motion, to approve Appl #22-009 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #22-009, 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 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**

- Dr.#65 Wirtz Lateral  
Regarding the land owner taking the fence down on the north side of the drain, the Board decided that if the land owner wants to take the fence down he would need to sign an agreement with the Board. The agreement would state that the land owner can take the fence down, but if any cattle roam the land, he would be responsible for any damage to the drain. The board would be the one to hire the contractor to do the work, but the land owner would be responsible for

the cost, and also the land owner can but the fence back up at his discretion, and there would be no cost to the Richland County Water Resource District.

- Dr. #95, Justin saw that approximately 4" of water was flowing over 78<sup>th</sup> St SE from NW1/4 Section 1 Barney Township to SW1/4 Section 31 Ibsen Township. He contacted Jesse Sedler, Engineer for the Highway department and he sent guys out there to inspect the road.

Sean Fredricks joined the meeting via Zoom

#### **Drain #66A**

Discussion was held about the concerns and what could potential be done with Dr. #66A. The Board decided it would be best to hear from the landowners. A meeting with the landowners will be help on Tuesday March 29<sup>th</sup> at 9:30am.

#### **Kube/Drain #66A**

Discussion was had on what it would take to make the Kube drain a legal drain, or even part of Dr. 66A. Sean went over the process of what the board would need to do to start the process. Once an Engineer would look at the drains, the board would then need to have a meeting with the landowners to see how many of them would be interested in making Kube a legal drain.

#### **Adjournment**

There being no further business to come before the Board, Chr. Burvee adjourned the meeting at 11:35 A.M.

Respectfully submitted,

*Tiffany Bladow*  
Tiffany Bladow  
Secretary/Treasurer

*Arv Burvee*  
Arv Burvee  
Chairman