

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
November 24, 2020

The Richland County Water Resource Board ("RCWRB") met November 24, 2020 at 9:00 AM at the Richland County Courthouse.

THOSE PRESENT: Managers Arv Burvee, Mark Fahsholz, Gary Friskop, James Haugen, Don Moffet (via telephone conference), 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. Fahsholz, and unanimously carried to approve the agenda as presented.

Minutes

The November 17, 2020 minutes were presented. A motion was made by Mgr. Fahsholz and seconded by Mgr. Haugen to approve the November 17, 2020 minutes as presented. Upon roll call vote, the motion carried unanimously.

Financial Matters

●**Vouchers**- Vouchers for the month of November 2020 were presented for the Board's review and approval. A motion was made by Mgr. Burvee and seconded by Mgr. Moffet to approve Vouchers #18485 through #18505 and the electronic funds transfer for the IRS payment. Upon roll call vote, the motion carried unanimously.

●**Bond #7 Construction Funds**- A final report of expenses and cost share income for the Proj #7 reconstruction project was presented for the Board's review. There is a balance of \$22,131.37 remaining in the construction account. Since the project is 100% complete and all bills have been paid, the remaining funds need to be transferred to the Bond #7 Sinking Fund to be used for paying off the outstanding bonds. A motion was made by Mgr. Fahsholz and seconded by Mgr. Haugen authorizing the transfer of \$22,131.37 from the Bond #7 construction account to the Bond #7 sinking account. Upon roll call vote, the motion carried unanimously. (RCWRD #17-016)

Mail

- 1) Interstate Engineering- Report and recommendations for repairs to Proj #95 in Section 31, Ibsen Township. Board consensus was to table the matter pending a meeting with Mike Bassingthwaite, of Interstate Engineering, to discuss options available for repairing the drain. (RCWRD #20-030)

Applications

Application to Install a Subsurface Water Management System No. 20-066 for Dustin and Kristen Mumm in the NE1/4 and the S1/2 Section 5, West Center Township

The District reviewed *Application to Install a Subsurface Water Management System No. 20-066*, dated November 20, 2020, and filed November 23, 2020, for Dustin and Kristen Mumm. Under the application, Applicants seek to install a 345-acre drain tile system in the NE1/4, the N1/2N1/2SE1/4, and the SW1/4 Section 5, West Center Township, Richland County, North Dakota. The project will include three gravity outlets, all located near the northeast corner of the NE1/4 Section 5; all three outlets will discharge into an existing private ditch that runs north, under 78th Street SE; the discharge will then flow east in the north road ditch along 78th Street, along the south boundary of the SE1/4 Section 33,

West Dwight Township, until flowing into a natural watercourse that runs north across the SE1/4 Section 33.

The Application would ordinarily have required THIRTY-DAY NOTICES to the downstream landowners of the SE1/4 Section 33, West Dwight Township, under N.D. Cent. Code § 61-32-03.1; however, Applicant Dustin Mumm owns the E1/2SE1/4 and the E1/2W1/2SE1/4 Section 33, West Dwight Township, subject to life estates in Dale and Bonnie Mumm; Dale and Bonnie Mumm signed the Application. With all of this in mind, no NOTICES were necessary. The Board will require Applicants to install and maintain erosion protection at the outlet into the 78th Street right of way.

Southeast Water Users District has a blanket easement in the NE1/4 Section 5, but does not have any easements on the N1/2N1/2SE1/4 or on the SW1/4 Section 5. 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, Dale and Bonnie Mumm are selling the NE1/4 and the N1/2N1/2SE1/4 Section 5 to Dustin Mumm under a contract for deed. Kristen Mumm owns the SW1/4 Section 5, West Center Township. With regard to downstream properties, Dustin Mumm owns the E1/2SE1/4 and the E1/2W1/2SE1/4 Section 33, West Dwight Township, subject to life estates in Dale and Bonnie Mumm.

Manager Burvee moved, and Manager Fahsholz seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20-066*, dated November 20, 2020, and filed November 23, 2020, for Dustin and Kristen Mumm regarding a proposed tile system in the NE1/4 and the S1/2 Section 5, West Center Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 20-066, 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;
- 2) that Applicants will not install Applicants' tile system within 20 feet, on either side, of Southeast Water Users District's rural water line on the NE1/4 Section 5, West Center Township; and
- 3) that Applicants provide, install, and maintain riprap or other ditch stabilization materials satisfactory to Center Township or Dwight Township (whichever entity has jurisdiction over 78th Street SE) at any and all outlets into the 78th Street road ditch.

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 permission from Center Township or Dwight Township to discharge into, or otherwise utilize, any of its township road ditches; 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.

Technician's Report

Mr. Johnson provided an update of projects completed and those currently being worked on by the contractors. Mike Bassingthwaite, of Interstate Engineering, is working with Mike Kummer, of Kummer Construction, to reestablish the Proj #19 ditch grade where it was over excavated. Mr. Bassingthwaite is also working with Comstock Construction to resolve billing issues for construction of the concrete wall on Proj #10.

Snagging and Clearing Projects

American Enterprises bid for snagging and clearing on the Wild Rice River was reviewed by the Managers. The bid, in the amount of \$150,000 is for snagging and clearing from between Sections 21/22, Brandenburg Township (just east of Interstate 29) through Great Bend to the NW1/4 Section 13, Brandenburg Township. It is an opportune time to do this work as the water level is down considerably from last year and the contractor will be able to see and remove much more debris.

Discussion was held whether to seek North Dakota State Water Commission cost share assistance for the project. Conditions are favorable for the contractor to begin work within the next two to three weeks; however, if cost share assistance is requested, work cannot commence until the State approves the request and the cost share agreement is signed, which most likely will delay work by a minimum of two months.

Appl #20-067 was completed and a motion was made by Mgr. Fahsholz and seconded by Mgr. Burvee to award the Wild Rice River snagging and clearing project to American Enterprises based on their bid of \$150,000. Upon roll call vote, the motion carried unanimously. Board consensus was not to request cost share assistance from the State.

Legislation Updates

Office Staff reported on the status of the drain tile bill. A video conference was held November 23rd where group consensus was reached on the bill. Mr. Fredricks will prepare the final draft for submission to Legislative Counsel.

Office Staff also reported Mr. Fredricks is preparing the final draft of the surface drainage bill.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 11:15 AM.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Gary Friskop
Gary Friskop
Chairman of the Board