

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
November 9, 2021

The Richland County Water Resource Board ("RCWRB") met November 9, 2021 at 8:15 A.M. at the Richland County Courthouse.

THOSE PRESENT: Managers Clint Arndt, Arv Burvee, Gary Friskop, Don Moffet, Engineering Technician Justin Johnson, Secretary-Treasurer Monica Zentgraf and Tiffany Bladow.

THOSE ABSENT: Mark Fahsholz

Approval of Agenda

A motion was made by Mgr. Arndt, seconded by Mgr. Friskop, and unanimously carried to amend the agenda to include Summit Carbon Solutions purposed CO2 pipeline.

Minutes

The October 26, 2021 minutes were presented. A motion was made by Mgr. Arndt, and seconded by Mgr. Moffet, to approve the October 26, 2021 minutes as presented. Upon roll call vote, the motion carried unanimously.

Financial Matters

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

● **Bremer Bank Collateral Report-** 110% of the District's securities totaled \$7,429,477.80; Bremer Bank's collateral in the amount of \$8,698,169.00 adequately covers the District's funds.

Mail

- 1) Richland County Commission- Minutes of the October 2021 meetings.
- 2) North Dakota Department of Water Resources ("ND DWR") - Cost-Share Agreement for the District's \$170,000 Wild Rice River snagging and clearing project. The ND DWR approved \$85,000 cost- share assistance for the project. Upon review, a motion was made by Mgr. Arndt and seconded by Mgr. Friskop authorizing Chr. Burvee to sign the ND DWR cost-share agreement as presented. Upon roll call vote, the motion carried unanimously. (RCWRD #21-070)

Applications

Application to Install a Subsurface Water Management System #21-083 for Lugert Land Limited Partnership in the SW1/4 and SE1/4, West of the Creek, Section 2, Belford Township

The Board reviewed *Application to Install a Subsurface Water Management System #21-083*. Under the application, Lugert Land Limited Partnership seeks to install a 209-acre drain tile system in the SW1/4 and SE1/4, west of the creek, all in Section 2, Belford Township. The project will include five gravity flow outlets directly into the creek located in the SE1/4. 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 #21-083 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-083, 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 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.

Appl #21-084, Robert Hoffert: SE1/4 Section 26 and E1/2 Section 35, Homestead Township- Request for cleanout of Dr. #95 A motion was made by Mgr. Friskop and seconded by Mgr. Moffet, to assign the cleanout to JBX, LLC. Upon roll call vote, the motion carried unanimously.

Appl #21-085, MLGC, LLC: E1/2 Section 3, Walcott West Township- Request to bore fiber optic cable under Dr. #5(57). The Managers reviewed Interstate Engineering's report regarding the project. Mr. Bassingthwaite reported the information provided by the Applicant shows the six foot depth under the drain and the fifty foot distance to be maintained from the top of the drain backslopes are sufficient. A motion was made by Mgr. Arndt and seconded by Mgr. Friskop to approve Appl #21-085 and issue a utility permit accordingly. Upon roll call vote, the motion carried unanimously.

Technician's Report

●Dr. #55: Site #539- NE1/4 Section 5, Summit East Township: 18 inch culvert is eroding; culvert is in poor condition. A motion was made by Mgr. Moffet and seconded by Mgr. Friskop to assign hydraulic study to Interstate Engineering. Upon roll call vote, the motion carried unanimously. (RCWRD #21-060)

- Spraying for Water Hemp- Mr. Johnson reported he contacted Mike Larson, of Larson Spraying, regarding water hemp. Mr. Larson indicated he can add 2-4-D to the mix when he sprays cattails next fall. The Managers felt it may be necessary to spray a third time (in between spraying for broadleaf weeds and cattails). Decision to be made next summer.

- Swan Creek Watershed- At the October 26th meeting, the Managers tabled their decision regarding holding a meeting with the landowners in the Swan Creek watershed until some local landowners could be contacted to gauge their interest in an NRCS project. Mgr. Arndt reported he contacted several area landowners; the landowners were not supportive of a project. County Engineer Jesse Sedler was asked to join the meeting. After considerable discussion board consensus was to continue to table the matter.

- Summit Carbon Solutions- Engineer Sedler and Mgr. Friskop reported on the company's October 14, 2021 meeting regarding their proposed CO2 pipeline, which would run through Richland County.

Engineer Sedler left the meeting.

- Project Updates- Mr. Johnson provided updates on various projects.

Engineering Agreements

The three year Engineers Joint Contract Documents Committee ("EJCDC") Agreement between Moore Engineering and the RCWRD was presented to the Board. The document was reviewed by the District's legal counsel and is ready for the Board's approval. Upon review, a motion was made by Mgr. Friskop and seconded by Mgr. Moffet authorizing Chr. Burvee to sign the three year EJCDC agreement with Moore Engineering. Upon roll call vote, the motion carried unanimously.

Adjournment

There being no further business to come before the Board, Chr. Burvee adjourned the meeting at 9:36 A.M.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Arv Burvee
Arv Burvee
Chairman of the Board