

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
September 12, 2023

The Richland County Water Resource District ("RCWRD") met September 12, 2023, at 8:00 A.M. at the Richland County Courthouse.

THOSE PRESENT: Managers Arv Burvee, Tom Kubela, Gary Friskop, Clint Arndt via phone, Brandon Ward via phone, Secretary/Treasurer Tiffany Bladow, Engineering Technician Justin Johnson,

THOSE ABSENT:

### **Approval of Agenda**

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

Sean Fredricks joined the meeting via Zoom.  
Clint Arndt and Brandon Ward joined the meeting via phone.

Sean Fredricks discussed the Brosowske/Mauch Complaint regarding the billing for both parties.

A motion was made by Mgr. Ward and seconded by Mgr. Arndt to bill Tom Brosowske \$6,946.72 for the bills pertaining to the Dam/Dike investigation and \$15,450.85 to Russ Mauch for the Obstruction investigation.

Sean Fredricks and Clint Arndt left the meeting.

### **Minutes**

The August 15, 2023, minutes were presented. A motion was made by Mgr. Burvee and seconded by Mgr. Kubela to approve the August 15, 2023, minutes as presented. Upon roll call vote, the motion carried unanimously.

### **Financial Matters**

**August 2023 Financial Reports-** A motion was made by Mgr. Burvee and seconded by Mgr. Kubela to accept the August 2023 financial reports as presented. Upon roll call vote, the motion carried unanimously.

### **Mail**

- Change in Gage Zero and Flood categories for the river.
- Dr.#66A Temporary ROW Letter - Gary signed them and Tiffany will mail them out to the landowners that were not present at the meeting.
- North Dakota Department of Water Resources (ND DWR) – Notice of Central Specialties, Inc. application ND2023-21867, for the appropriation of water from Lake Elsie for dust control in the NW1/4 and SE1/4 of Section 27, Brightwood Township
- Missouri River Joint Water Board Public Meeting

David Fixen and Kyle Christianson joined the meeting.

### **Appl. #23-057 SE1/4 Sec. 11 Ibsen Twp- lower berm**

David and Kyle discussed with the board their concerns about lowering the berm. Based on comments from David and Kyle, the information the board is going to put everything on hold until the board can obtain more information.

Gabe Bladow Joined the meeting.

David Fixen and Kyle Christianson left the meeting.

Tony Luick, Tim Fenske, Cari & Gene Wefel, & Jesse Sedler joined the meeting.

### **Drain #66A**

Gabe Bladow discussed steps on moving forward with Dr.#66A cleanout and culvert installation.

Stan Stein joined the meeting via phone.

A motion was made by Mgr. Kubela and seconded by Mgr. Burvee to have Gabe contact contractors for bids that will be due by October 2<sup>nd</sup>, 2023, and for Gabe Bladow to order the culverts once we have heard from the Township. Upon roll call vote, the motion carried unanimously.

A motion was made by Mgr. Kubela and seconded by Mgr. Friskop to start the loan process for \$100,000 for 6 years with Bell Bank. Upon roll call vote, the motion carried unanimously.

Stan Stein, Tony Luick, Tim Fenske, Cari & Gene Wefel, and Jesse Sedler left the meeting.

Randy Gjestvang and Yaping Chi, with ND Water Commission joined the meeting.

Randy Gjestvang discussed the RCPP project with the board and where Interstate Engineering, Inc. is at with the report.

Randy suggested that the Board contact Chrisie Fisher to invite her to a future meeting to discuss the RCPP report requirements.

Randy Gjestvang and Yaping Chi left the meeting.

### **Applications**

#### **Application to Install a Subsurface Water Management System #23-061 for David Hager in the N1/2 Section 11, Danton Township**

The Board reviewed *Application to Install a Subsurface Water Management System #23-061*. Under the application, David Hager seeks to install a 303-acre drain tile system in the N1/2 Section 11, Danton Township. The project will include a single pump outlet located on the south boundary of the Northeast 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. Burvee seconded the motion, to approve Appl #23-061 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-061, subject to the following  conditions:

that Applicant set and install any drain tile pump at least 25 feet from the top of the back slope of Richland County Drain #95, with a pipe buried from the pump to Drain #95;

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.

**Drain Tile Notification Appl #23-062** was reviewed at this time. No action was required by the RCWRD as the project involves less than 80 acres of drain tile. No disclosure of information is allowed per NDCC § 61-32-03.1.

**Application to Install a Subsurface Water Management System #23-063 for Dale Erbes in the SE1/4 Section 34, Nansen Township**

The Board reviewed *Application to Install a Subsurface Water Management System #23-063*. Under the application, Dale Erbes seeks to install a 154-acre drain tile system in the SE1/4 Section 34, Nansen 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. Burvee seconded the motion, to approve Appl #23-063 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-063, 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.

**Appl. #23-064 Dr.#65 Site 646 NW1/4 Sec.35 Waldo Twp**

Jerry Wirtz submitted a bill for the removal of trees for \$2,250.

A motion was made by Mgr. Burvee and seconded by Mgr. Kubela to approval the payment of 50% of the bill submitted by Jerry Wirtz and pay him \$1,125. Upon roll call vote, the motion carried unanimously.

**Application to Install a Subsurface Water Management System #23-066 for Stuart Gunness in the E1/2 Section 5, Colfax East Township**

The Board reviewed *Application to Install a Subsurface Water Management System #23-066*, a 220-acre drain tile system in the E1/2 Section 5, Colfax Township. Under the application, Stuart Gunness seeks to amend *Subsurface Water Management System #23-019*, approved by the District on May 16, 2023. Under *Application #23-066*, Applicant intends change the location of the outlet pump. The project will include a single pump outlet located on the west boundary of the South 80 of the NE1/4. 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. Burvee seconded the motion, to approve Appl #23-019 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-019, 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 #23-067 for Cynthia Schreiber-Beck in the N1/2 Section 2, Center West Township**

The Board reviewed *Application to Install a Subsurface Water Management System #23-067*. Under the application, Cynthia Schreiber-Beck seeks to install a 98-acre drain tile system in the N1/2 Section 2, Center West Township. The project will include a single pump outlet located on the north boundary of the Northwest Quarter. 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 #23-067 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #23-067, 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.

## **Technician Report**

### **Dr.#31 Appl.#18-022**

Reconstruction south of Hwy 11 needs to be reseeded, Justin has been in contact with seeding contractors but is waiting for confirmation on their availability.

**Dr.# 31 Appl. #23-013 Site 643**

Justin updated the board on Dr.#31 with the approach for Jim Miller. Houston Engineering, Inc. completed a hydraulic study with a recommendation of 1-87"x63"x60' CMPA. Justin explained he has ordered the recommended 87'x63'x60' CMPA.

Russ Mauch joined the meeting.  
Clint Arndt joined the meeting via phone.  
Sean Fredricks joined the meeting via zoom.

**Appl. #22-079 Brosowske/Mauch Complaint**

Russ Mauch voiced his opinion on the billing for the complaint filed against him by Tom Brosowske. Russ did pay \$11,198.78 and per the motion the board made earlier in the meeting, Russ agreed to pay an additional \$4,252.07.

Russ Mauch, Clint Arndt, and Sean Fredricks left the meeting.

**Miscellaneous**

**NE1/4 Sec.16 LeMars Twp**

Arv let the board know that there is dirt for sale where the bridge is being reconstructed on Dr.#3. It is \$2.50/yard or \$50/load. The board discussed buying some dirt to fix some issues on Dr.#3 by the bridge by Arnie Anderson's.

**Adjournment**

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

Respectfully submitted,

*Tiffany Bladow*  
Tiffany Bladow  
Secretary/Treasurer

*Gary Friskop*  
Gary Friskop  
Chr of the Board