

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
April 19, 2022

The Richland County Water Resource District ("RCWRD") met April 19, 2022 at 8:00 A.M. at the Richland County Courthouse.

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

THOSE ABSENT:

Approval of Agenda

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

Minutes

The March 29, 2022 minutes were presented. A motion was made by Mgr. Arndt and seconded by Mgr. Kubela to approve the March 29, 2022 minutes as presented. Upon roll call vote, the motion carried unanimously.

Mail

- 1) Commissioners Minutes
- 2) Red River Retention Authority
- 3) North Dakota Water Resources Districts Association- Summer Water meeting July 11-13, 2022
- 4) NDIRF- Notice of Annual Meeting-May 19, 2022

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.
- **March 2022 Financial Reports**- A motion was made by Mgr. Arndt and seconded by Mgr. Friskop to accept the March 2022 financial reports as presented. Upon roll call vote, the motion carried unanimously.
- **Bremer Bank Collateral Report**- 110% of the District's securities totaled \$8,491,738.11. Bremer Bank's Collateral Report in the amount of \$8,656,530 adequately covers the District's funds.

Application to Install a Subsurface Water Management System #22-010 for Timothy Jones in the SE1/4 Section 28, Homestead Township

The Board reviewed *Application to Install a Subsurface Water Management System #22-010* UNDER the application, Timothy Jones seeks to install a 147-acre drain tile system in the SE1/4 Section 28, Homestead Township. The project will include a single pump outlet located on the east 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. Arndt moved, and Mgr. Moffet seconded the motion, to approve Appl #22-010 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #22-010 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 #22-011 for Stuart Gunness in the NE 1/4 and N 1/2 of SE 1/4 Section 28, Walcott East Township.

The Board reviewed *Application to Install a Subsurface Water Management System #22-011*. Under the application, Stuart Gunness seeks to install a 100-acre drain tile system in the NE 1/4 and N 1/2 of SE 1/4 Section 28, Walcott East Township. The project will include two gravity outlet with no control structure located on the east 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. Arndt moved, and Mgr. Moffet seconded the motion, to approve Appl #22-011 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #22-011, 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 #22-012 for Jan Rieger in the NE1/4 Section 29, Colfax West Township

The Board reviewed *Application to Install a Subsurface Water Management System #22-012*. Under the application, Jan Rieger seeks to install a 129-acre drain tile system in the NE1/4 Section 29, Colfax West Township. The project will include a single pump outlet located on the west side of the NW 1/4. 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 #22-012 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #22-012, 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 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 #22-013, MLGC, LLC: Request to bore fiber optic cable under Dr. #5(37) 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 distant to be maintained from the top of the drain back slopes are sufficient. A motion was made by Mgr. Arndt and seconded by Mgr. Kubela to approve Appl #22-013 and issue a utility permit accordingly. Upon roll call vote, the motion carried unanimously.

Appl #22-014, MLGC, LLC: 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 distant to be maintained from the top of the drain back slopes are sufficient. A motion was made by Mgr. Arndt and seconded by Mgr. Kubela to approve Appl #22-013 and issue a utility permit accordingly. Upon roll call vote, the motion carried unanimously.

Drain Tile Notification Appl #22-015 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.

Technician's Report

- Dr. #5(37) – Justin Johnson requested a Hydraulic Study be done on drain, Appl #22-016 Site 263, NWCR NW 1/4 Section 13, Walcott Township. A motion was made my Mgr. Arndt and seconded by Mgr. Kubela to approve a Hydraulic Study on Dr. #5(37) by Interstate Engineering.
- Dr. #95 Meeting/Future meeting- Johnson update the Board on the Landowners meetings for cleanout in S 1/4 Section 31, Ibsen Township.
- Dr. #10- Johnson gave an update on the spraying for Dr. #10. Application has been sent to Forest Service, just waiting to have them approve before for summer spraying.

Mike Bassingthwaite joined the meeting

Bassingthwaite talked with the Board about Dr. #95 and the meetings that they have set up with the land owners. Also, discussed what the price should be for Permanent Right-of-Way at \$5000/acre and Temporary Construction Easements at \$250/acre for this project.

Bassingthwaite updated the Board on Dr. #1 that the Cost Share was approved and the next step would be to move forward with bidding the project.

Adjournment

There being no further business to come before the Board, Chr. Burvee adjourned the meeting at 9:30 A.M.

Respectfully submitted,

Tiffany Bladow
Tiffany Bladow
Secretary/Treasurer

Arv Burvee
Arv Burvee
Chairman