

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
April 25, 2017

The Richland County Water Resource Board (RCWRB) met April 25, 2017 at 8:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Arv Burvee, Gary Friskop, James Haugen, Don Moffet, Robert Rostad, Engineering Technician Justin Johnson, and Secretary-Treasurer Monica Zentgraf.

THOSE ABSENT: None

Minutes

The April 11, 2017 minutes were presented. A motion was made by Mgr. Moffet and seconded by Mgr. Rostad to approve the minutes as corrected. The motion carried unanimously.

Financial Matters

A motion was made by Mgr. Moffet and seconded by Mgr. Haugen to accept the March 2017 financial reports as presented. The motion carried unanimously.

A motion was made by Mgr. Burvee and seconded by Mgr. Rostad to approve Vouchers #17463 through #17490 and the electronic funds transfer for the IRS payment. The motion carried unanimously.

Mail

- 1.) Bank of New York Mellon- Pledged securities totaled \$6,484,411.84 on March 31, 2017.
- 2.) ND State Water Commission- Minutes of the December 9, 2016 meeting.
- 3.) Big Stone South to Ellendale Newsletter
- 4.) ND State Engineer's Office- Temporary Water Permit #ND2017-18036 issued to Alexandria Gravel Products, LLC. Point of Diversion is located in the SW1/4SW1/4 Section 22, Brightwood Township.
- 5.) Attorney John Bullis- Copy of letter sent to Brightwood Township Board of Supervisors regarding "North-South Roadway Between the NECR Section 20 and NWCR Section 21, all in Brightwood Township." Mr. Bullis alleges "the township road running along the east boundary of Mr. Haus' property continues to block the natural flow of water." If this matter is not satisfactorily resolved within 30 days, Mr. Bullis intends to bring legal action on behalf of Mr. Haus without further notice. (C. Haus Obj #05-110)
- 6.) Interstate Engineering- Recommendation for repairs to Proj #95, located in the SW1/4 Section 31, Ibsen Township. Upon review of the recommendation, a motion was made by Mgr. Burvee and seconded by Mgr. Rostad to assign repairs to JBX with the work to be completed per Interstate Engineering's recommendation. The motion carried unanimously. (RCWRD #17-005)

Drain Spraying and Agreement

Bids for the 2017 spraying of the legal assessment drains were reviewed as well as an agreement drafted by the District's legal counsel. After much discussion, a motion was made by Mgr. Burvee and seconded by Mgr. Haugen to award the legal assessment drain spraying to Larson Helicopters. The motion carried unanimously.

Proj #1

Kelly Miller met with the Board to discuss Proj #1. Mike Bassingthwaite, of Interstate Engineering, was also present. Mr. Miller told the Board that because the slopes are steep and the channel bottom is narrow, he would like Proj #1 reconstructed and inlet culverts installed at the sites of open field ditches. Discussion followed regarding actual work that should be done, utility issues, additional rights-of-way needed, and financial constraints. Because of the lack of funds available, Mr. Bassingthwaite suggested splitting the project in half. Mr. Miller asked the Board to authorize a survey of the drain for the purpose of determining approximate engineering and construction costs. Since the water

in this channel runs both directions, Mr. Bassingthwaite suggested himself and Mr. Miller drive the channel to determine which half should be studied. The meeting concluded with a motion by Mgr. Rostad, seconded by Mgr. Moffet, authorizing Interstate Engineering to perform an engineering study on one half of the drain (as determined by Mr. Bassingthwaite and Mr. Miller). The motion carried unanimously. (RCWRD #17-017)

Replacement of Texas Crossing in the W1/2 Section 24, Colfax West

Colfax Township Board Members Jessie Rieger and Leon Heyen met with the RCWRB; also present were Mike Haverland, Blake Ista, Lester Johnson, Byron Heyen, Gordie Olson, and Mike Bassingthwaite. Purpose of the meeting was to discuss Mr. Ista and Larry Kensinger's request for replacing the Texas crossing with a low water crossing through the township road at the quarter line between Sections 23 and 24, Colfax West. Mr. Bassingthwaite explained that the RCWRB has a used 48 inch equivalent arch pipe from the Proj #2 reconstruction which could be used for two lines of pipe in the low water crossing. Mr. Bassingthwaite further explained there are two lines of 60 inch cmp upstream and two lines of 60 inch cmp downstream of this crossing. Mr. Haverland expressed concern about the crossing washing out. Mr. Bassingthwaite explained the crossing would need to be armored and grout installed to hold the culverts in place. It was suggested that 60 inch culverts be used, rather than 48 inch, to match the upstream and downstream culverts. Mr. Haverland felt that even with 60 inch culverts, the crossing would still wash out. Mr. Bassingthwaite stated the purpose for using the 48 inch pipe was to slow the water down and to provide a crossing for Mr. Ista. He further explained that the water would go over the road in high water events. Additional comments/ concerns voiced were:

- Leon Heyen- Concern about water running across the road by his property in the N1/2NW1/4 Section 24 at the present time.
- Blake Ista- May want a berm, similar to what was done for Mr. Haverland. (Blade the road to make it more suitable for travel.)
- The natural channel, on Paul Kummer's property, in the N1/2SW1/4 Section 24 should be cleaned. (Mr. Olson will visit with Mr. Kummer about this.)
- Mike Haverland- Does not want to store the water on his property.
- Lester Johnson- Sees the benefit of the project for the Township.

The Township Board of Supervisors will make a decision and advise the District accordingly. Mgr. Rostad stated the project would benefit Proj #2 and for that reason the RCWRB would be willing to bear the expense for the low water crossing. The Township Officers were asked if the Township would be willing to make a financial contribution toward the project. Township Chairman Rieger spoke about their budget but did not provide an answer about financial assistance. The RCWRB will wait to hear back from the Township Board of Supervisors. (Ista/Kensinger #16-011)

Mr. Bassingthwaite met with the Board at this time with the following matters being discussed:

Proj #2- NWCR Section 27, Colfax East

As a part of the reconstruction of Proj #2, a berm was installed and the culvert was lengthened in the NWCR Section 27, Colfax East. Blaine Kummer would like the culvert lengthened more so he could use it as an approach. Mr. Kummer will be told to submit a written request to the Board.

Proj #95 Correction of Deed

The Managers were informed that the attorney working for Poppy Land Company, on the purchase of the NE1/4 Section 10, Barney Township, had issues with the recorded deed for Proj #95 on the east side of the quarter line. The attorney said the starting point in the legal description was vague and he wanted clarification. While providing an explanation of the starting point, Mr. Bassingthwaite discovered an error in the description, as it did not extend far enough south to intercept the state highway right-of-way. A quit claim deed is needed to deed the original parcel (2.07 acres) back to the current landowner with a new quit claim deed for the correct acreage of 2.39 acres going to the RCWRD. (It was noted that when the original deed was executed in 1997, legal drain rights-of-way were deeded to the County; drain rights-of-way are now deeded to the RCWRD, so Richland County

will need to execute the quit claim deed to Poppy Land Company.) No payment will be made for the small difference in acreage. The Secretary will see to the execution of both deeds.

Regional Conservation Partnership Program (RCPP)

Mr. Bassingthwaite provided the Managers with a summary of comments gathered at the public input meeting on November 10, 2016. The major concerns voiced were flood water damage and erosion. An Advisory Committee needs to be set up and a meeting held as the Purpose and Need Statement has to be established. Further discussion will be held in the coming weeks.

Applications

Appl #17-018, Joseph Richardson: NE1/4 Section 17, Colfax West A motion was made by Mgr. Rostad and seconded by Mgr. Moffet to approve the application. Mgrs. Haugen, Moffet, Friskop, and Rostad voted in favor of said motion; Mgr. Burvee voted against said motion. The motion carried.

Appl #17-019, Dale Erbes: SE1/4 Section 18, Antelope Township The application was referred to the Richland County Highway Department, as work is within the County's road right-of-way.

Appl #17-020, Bison 64-58 Land Limited Partnership: SE1/4 & S1/2S1/2NE1/4, Section 5, Abercrombie East

Applicant seeks to install a subsurface water management system ("drain tile") in the SE1/4 and S1/2S1/2NE1/4 Section 5, East Abercrombie Township, Richland County North Dakota. The project will include a single gravity flow outlet located at and discharging directly into the natural watercourse in the SE1/4NW1/4 Section 5, East Abercrombie Township. A motion was made by Mgr. Moffet and seconded by Mgr. Haugen to approve Appl #17-020. The motion carried unanimously. (No conditions could be added to the permit because the project was discharging directly into a natural watercourse.)

Appl #17-021, Mitchel Rhodenbaugh: SE1/4 Section 11 & NE1/4 Section 14, Garborg Township

Applicant seeks to install a subsurface water management system ("drain tile") in the SE1/4 Section 11 and NE1/4 Section 14, Garborg Township, Richland County North Dakota. The project will include a single pump outlet located in the SECR SE1/4 Section 11 that will discharge water directly into the township road ditch. The water will flow across 161st Avenue SE from the SECR Section 11 into the SWCR SW1/4 Section 12, Garborg Township, and then continue to flow north on the east side of 161st Avenue SE. The water will enter Richland County Drain #12 after it crosses 67th Street SE from the NWCR NW1/4, Section 12, Garborg Township. The District owns and operates Drain #12. A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to approve Drain Tile Appl #17-021 subject to the following conditions:

- 1) That Applicant notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 2) That Applicant provide, install, and maintain riprap or other ditch stabilization materials satisfactory to Garborg Township Board of Township Supervisors at any and all outlets into Garborg Township's road right-of-way;
- 3) That Applicant must reseed any of the Township's right-of-way disturbed by Applicant's activities, and must maintain any reseeded areas for a period of one year from the date of completion to ensure the seeding adequately repairs any disturbed areas;
- 4) That all work be done in a neat and professional manner;
- 5) That Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods", as determined by the District.

The motion carried unanimously.

Appl #17-022, Gerald and Mary Meyer: SW1/4 Section 8, Devillo Township

Applicants seek to install a subsurface water management system (“drain tile”) in the SW1/4 Section 8, Devillo Township, Richland County North Dakota. The project will include an existing single pump outlet located in the NWCR NE1/4 Section 8, which will discharge water directly into the township road ditch. The water will flow east on the south side of 91st Street SE and cross 176th Avenue SE from the NECR NE1/4 Section 8 into the NWCR NW1/4 Section 9, Devillo Township. The water will continue east on the south side of 91st Street SE until it reaches Richland County Drain #31. The District owns and operates Drain #31. A motion was made by Mgr. Burvee and seconded by Mgr. Moffet to approve Drain Tile Appl #17-022 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 provide, install, and maintain riprap or other ditch stabilization materials satisfactory to Devillo Township Board of Township Supervisors at any and all outlets into Devillo Township’s road right-of-way;
- 3) That Applicants must reseed any of the Township’s right-of-way disturbed by Applicants activities, and must maintain any reseeded areas for a period of one year from the date of completion to ensure the seeding adequately repairs any disturbed areas;
- 4) That all work be done in a neat and professional manner;
- 5) That Applicants must turn off any pump outlets and otherwise close all outlets during “critical flood periods”, as determined by the District.

The motion carried unanimously.

Appl #17-023, Steven Miller: SW1/4 Section 5, Fairmount North

Applicant seeks to install a subsurface water management system (“drain tile”) in the SW1/4 Section 5, North Fairmount Township, Richland County, North Dakota. The project will include a single pump outlet located at and discharging directly into Richland County Drain #58 in the NWCR NW1/4 Section 8. The District owns and operates Drain #58. A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to approve Drain Tile Appl #17-023 subject to the following conditions:

- 1) That Applicant provide, install and maintain adequate erosion protection at any and all outlets into Richland County Drain No. 58;
- 2) That Applicant notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations or addition of any outlets;
- 3) That Applicant must reseed any of the District’s right-of-way disturbed by Applicant’s activities, and must maintain any reseeded areas for a period of one year from the date of completion to ensure the seeding adequately repairs any disturbed areas;
- 4) That all work be done in a neat and professional manner;
- 5) That applicant must turn off any pump outlets and otherwise close all outlets during “critical flood periods”, as determined by the District;

The motion carried unanimously.

Appl #17-024, Monte Gylland, Claudette Hage, Bradley Hage, Sheldon Hage, Keith Hage, Joel Hage, Phyllis Gylland, Carol Baker, Kyle Gylland, Carter Gylland, Dave & Renee Gauslow, Mark Gauslow LP, Lynn & Donna Mickelson, and Eric & Heather Mickelson: E1/2 Section 22, Colfax East, W1/2 Section 23, NE1/4 Section 23, and W1/2SE1/4 Section 14, All in Eagle South

Applicants seeks to install a subsurface water management system (“drain tile”) in the E1/2 Section 22, East Colfax Township, W1/2 Section 23, NE1/4 Section 23, and W1/2SE1/4 Section 14, All in South Eagle Township, Richland County North Dakota. The

project will include a single gravity flow outlet located at and discharging directly into the natural watercourse in the S1/2NW1/4 Section 14, South Eagle Township, Richland County, ND. A motion was made by Mgr. Haugen and seconded by Mgr. Burvee to approve Drain Tile Appl #17-024 with one gravity flow outlet into a natural watercourse in the SE1/4NW1/4 Section 14, Eagle South. The motion carried unanimously. (No conditions could be added to the permit because the project was discharging directly into a natural watercourse.)

Notification of New Drain Tile Law to Road Authorities

The Managers directed a letter be forwarded to all Township Boards of Supervisors, Richland County Highway Department, and ND Department of Transportation (Fargo Office) notifying them of the new drain tile law passed by the Legislature, the RCWRD process for handling drain tile projects that will outlet into road rights-of-way, and conditions the RCWRD can attach to those applications.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 1:00 P.M.

Respectfully submitted,
Monica Zentgraf
Secretary

Gary Friskop
Chairman of the Board