

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
May 16, 2017

The Richland County Water Resource Board (RCWRB) met May 16, 2017 at 8:15 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 May 9, 2017 minutes were presented. A motion was made by Mgr. Haugen and seconded by Mgr. Moffet to approve the minutes as approved. The motion carried unanimously.

Mail

- 1.) Richland County Commission- Minutes of the April 2017 meetings.
- 2.) Attorney Bliss- Copy of "Notice of Continuance of Hearing" for the Cass County Joint Water Resource District's Application for Permit to Enter (on Richland County) Land. Future date to be determined and scheduled with the Court.
- 3.) North Dakota State Water Commission (ND SWC)- Cost share agreement for design engineering services associated with the partial reconstruction of Proj #7. Total cost share for design engineering services is \$24,926. A motion was made by Mgr. Haugen and seconded by Mgr. Burvee authorizing Chr. Friskop to sign the agreement and to authorize Interstate Engineering to proceed with the design for reconstruction of Proj #7 in Sections 20, 21, 22, and 23, Garborg Township. The motion carried unanimously. (RCWRD #17-016)

Broadleaf Weed and Tree Spraying

A motion was made by Mgr. Burvee and seconded by Mgr. Rostad authorizing Larson Helicopters to spray all drains as needed for broadleaf weeds and trees with the exception of Projs #1, 2 (spray Section 29, Colfax East), 3 (No tree spraying) 4, 5(27), 17, 19, 41, 48, and 63A The motion carried unanimously. (Projs #6 and CR #1 will be handled by their respective Joint Boards and City Drain #1 will be handled by the City of Wahpeton.)

Drain Tile Legislation

The Richland County Commissioners requested a meeting with the Water Resource Board and Legislators to discuss the new drain tile legislation; the Managers agreed.

Technician's Report

Mr. Johnson reported that he is currently doing the annual legal drain inspections. The following damages have been found:

Proj #7

Site #239: SE1/4 Section 24, Garborg Township- Level rock drop/repair erosion
Site #240: SW1/4 Section 19, Nansen Township- Remove sediment
Site #241: SECR SW1/4 Section 19, Nansen Township- Level rock drop/repair erosion

Appl #17-027 was completed and a motion was made by Mgr. Burvee, seconded by Mgr. Moffet, to assign repairs to Ehlert Excavating with a completion date of July 1, 2017. The motion carried unanimously.

Engineer Bassingthwaite met with the Board to discuss the following matters:

•Proj #2 Reconstruction

Mr. Bassingthwaite provided an update on unfinished work; the contractor plans to be on site next week.

•Regional Conservation Partnership Program (RCPP)

Mr. Bassingthwaite reviewed the make-up of the Project Planning Team and also the Advisory Agencies that will need to be invited to Team meetings. Mgrs. Friskop and Moffet agreed to serve on the Planning Team. Mr. Bassingthwaite will contact the individuals and Township Boards of Supervisors, named by the Managers, to see if they would be willing to serve on the Team. Approximately seven meetings will be held over a two year period with an early June target date for the first meeting.

•Helendale Private Drain

Procedural information from Attorney Fredricks was reviewed for the statewide significance hearing scheduled for June 22, 2017. (Helendale Private Drain #13-088)

Mr. Bassingthwaite left the meeting.

Technician's Report-Continued

Proj #26

Site #245: NECR NE1/4 Section 20, Fairmount North-Reset 48 inch x 66 foot RCP/repair erosion.

Appl #17-028 was completed and a motion was made by Mgr. Burvee, seconded by Mgr. Rostad, to assign the repair project to Ehlert Excavating with a completion date of August 1, 2017. The motion carried unanimously.

Proj #35

Site #230: SWCR SW1/4 Section 33, Fairmount North- Replace 24 inch x 48 foot RCP.

Appl #17-029 was completed and a motion was made by Mgr. Rostad, seconded by Mgr. Burvee, authorizing Interstate Engineering to complete a hydraulic study for the culvert in the SWCR SW1/4 Section 33, Fairmount North. The motion carried unanimously.

Applications

Appl #17-030, Danton Township Board of Supervisors: Sections 20, 21, 28, Danton Township Consensus of the Managers was to defer the request for a hydraulic study pending a cost estimate for engineering services from Interstate Engineering.

Appl #17-031, John & Nicole Sherven, Peggy Sherven, and Wesley & Shirley Berg: S1/2SW1/4, N1/2SE1/4, and part of the S1/2SE1/4 Section 14, Abercrombie West Applicants seek to install a subsurface water management system ("drain tile") in the S1/2SW1/4, N1/2SE1/4 and part of the S1/2SE1/4 Section 14, West Abercrombie Township, Richland County, North Dakota. The project will include a single pump outlet located in the SECR SE1/4 Section 14, which will discharge water directly into the township road ditch.

Along with the application, the Applicants submitted a "signed and notarized letter of approval" from BD Yaggie Family Limited Partnership, who are downstream landowners within one mile of the outlet. BD Yaggie Family Limited Partnership agreed to waive their right to A THIRTY-DAY NOTICE and to waive their right to submit technical evidence, as that phrase is defined under Section 61-32-03.1, to demonstrate Applicants project will result in adverse impacts to their properties.

According to records on file with the Richland County Recorder's Office, John and Nicole Sherven own the S1/2SW1/4 Section 14, Peggy Sherven owns the N1/2SE1/4 Section 14, and Wesley and Shirley Berg own the S1/2SE1/4 Section 14 except 8.37 acres, where Applicants intend to install the tile system. Further, Ronald and Eloise Worden own the remaining 8.37 acres in the S1/2SE1/4 Section 14 and BD Yaggie Family Limited Partnership owns the SW1/4 Section 13, West Abercrombie Township.

A motion was made by Mgr. Rostad, seconded by Mgr. Moffet, and unanimously carried to approve Drain Tile Appl #17-031 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 Abercrombie Township Board of Township Supervisors at any and all outlets into Abercrombie 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.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicants permit. However, for Applicants protection, and to ensure protection of Applicants tile system, the District recommends Applicants consider complying with the following:

- 1) That Applicants obtain written permission from the Abercrombie Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches; to install, operate, and maintain buried pipe in any of its township road ditches; or to bore through its township road;
- 2) That Applicants obtain and record with the Richland County Deeds Office, an easement or written agreement (as may be recommended by an attorney) between all landowners who are a party to the tile project.
- 3) That Applicants obtain and record with the Richland County Deeds Office, an easement from Ronald and Eloise Worden, owners of the land where the Applicants will also construct the tile system.
- 4) 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, submit an additional permit application; and
- 5) 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.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 10:55 A.M.

Respectfully submitted,
Monica Zentgraf
Secretary

Gary Friskop
Chairman of the Board