

TRAILL COUNTY WATER RESOURCE DISTRICT
SPECIAL MEETING
NOVEMBER 28, 2018 ~ HILLSBORO, ND

The District Board convened on this date and came to order at 8:00am at the office of the Traill County Water Resource District in Hillsboro, ND. Managers present were: Joel Halvorson, Gary Thompson, Andy Neset, Jason Lovas with Jason Siegert presiding as Chairman. Also present was: Sean Fredricks, Ohnstad Twichell, P.C. and Chris Gross, Moore Engineering, Inc.

MINUTES

Manager Thompson moved to approve the November 6, 2018 meeting minutes as presented. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

FINANCIAL

It was moved by Manager Neset and seconded by Manager Halvorson to approve payment of the November 7 – November 28, 2018 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

DRAIN BUSINESS

Updates were given on the following drains:

Elm River Diversion:

The Board discussed an issue that Leon Sand is having with sediment problems in Section 35 of Norman Township. After viewing drone imaging provided by Jason Lovas, the Board determined that the sediment is not caused by obstruction but that it only contains washouts due to spring runoff. No action was taken. Joel Halvorson said that he will contact Mr. Sand to inform him of the Board's decision.

S. Mayville Drain 9-18-29:

Updates on the ongoing Mayville Airport issue were discussed.

Attorney Sean Fredricks reported that his office was able to convince Bart Fisher ("representing" his mother, Janice Fisher, and his aunt, Kirsten Scarborough) to accept \$8,652.00 to finally resolve the outstanding right of way issue (less than the \$12K the Board approved at our last meeting). His office is currently working with Mr. Fisher to obtain the requisite signatures, etc., to finally close that matter. After further discussion, Manager Neset moved to issue payment to Bart Fisher, ETAL, in the amount of \$8,652.00 to complete the land dispute. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Thompson Drain No. 72:

Chris Gross presented a profile of the proposed Drain No. 72 for the Board to review. Gary Thompson described the history and present condition of the area that proposed Drain No. 72 would be built. Culvert and land transactions were discussed. It was suggested that the engineers and the petitioners gather together to determine what type of design would be needed to aide in developing the plans.

PERMITS AND COMPLAINTS

Application to Install a Subsurface Water Management System No. 2018-04 for Seth Erickson in the Southeast Quarter of Section 29 in Greenfield Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2018-04* dated April 20, 2018, but filed on October 17, 2018, for Seth Erickson. Under the application, Applicant seeks to install a 110-acre tile project in the Southeast Quarter of Section 29 in Greenfield Township, Traill County, North Dakota. The project will outlet via an underground pipeline commencing near the middle of the Southeast Quarter of Section 29, then running north into the East Half of the Northeast Quarter of Section 29; the tile line will continue to the north near the east boundary of the Northeast Quarter; at the northeast corner of the Northeast Quarter, the pipeline will run east under 153rd Avenue SE and will daylight in the south road ditch of the county highway along the north boundary of Section 28; the tile discharge will continue east in the highway road ditch.

The District previously provided a THIRTY-DAY NOTICE to the Traill County Highway Department as a downstream landowner, as required under N.D. Cent. Code § 61-32-03.1. Under the tile law passed during the 2017 Legislative session, the Board cannot require Applicant to obtain permission from Traill County to utilize its highway ditch as an outlet. However, Applicant has already obtained written permission from Traill County; further, the Board can require Applicant to install and maintain erosion protection in the highway ditch to protect the ditch from erosion.

According to records provided by Applicant, Applicant owns the Southeast Quarter of Section 29; the Stair Z. Calhoun Revocable Trust owns the East Half of the Northeast Quarter of Section 29; and Traill County owns its highway right of way along the north boundary of Section 28.

Manager Lovas moved, and Manager Thompson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2018-04* dated April 20, 2018, but filed October 17, 2018, for Seth Erickson in the Southeast Quarter of Section 29 in Greenfield Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2018-04, subject to the following conditions:

- 1) That Applicant notify the Traill County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) That Applicant provide, install, and maintain riprap or other ditch stabilization materials satisfactory to Traill County at any and all outlets into Traill County's road right of way.

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 will recommend that Applicant consider complying with the following:

- 1) That Applicant obtain written permission from Traill County to discharge into, or otherwise utilize, any of its County highway ditches; to install, operate, and maintain buried pipe in any of its County highway ditches; or to bore through its County highway ditches;
- 2) That Applicant obtain and record an easement from the owner of the East Half of the Northeast Quarter of Section 29 of Greenfield Township to install, construct, and maintain an underground pipeline.
- 3) That Applicant notify the Traill 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, submitting an additional permit application; and
- 4) 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 No. 2018-07 for Stair Z. Calhoun Revocable Trust, Christopher Newman, and J.S. Dalrymple III, POA, in the Northeast Quarter of Section 29 in Greenfield Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2018-07* dated October 19, 2018, filed October 22, 2018, for Stair Z. Calhoun Revocable Trust, Christopher Newman, and J.S. Dalrymple III, POA. Under the application, Applicants seek to install a 50-acre drain tile system in the Northeast Quarter of Section 29 in Greenfield Township, Traill County, North Dakota. The project will outlet via a connection to the underground pipeline that will serve as the outlet for a tile project in the Southeast Quarter of Section 29, permitted by the Traill County Water Resource District for Mr. Seth Erickson under Tile Permit No. 2018-04. The project in the Northeast Quarter of Section 29 will connect to the underground pipeline near the east boundary of the Northeast Quarter of Section 29. The underground pipeline will run to the northeast corner of the Northeast Quarter of Section 29; from there, the pipeline will run to the east under 153rd Avenue SE, and will daylight in the south road ditch of the county highway along the north boundary of Section 28; the tile discharge will continue east in the highway road ditch.

The District previously provided a THIRTY-DAY NOTICE to the Traill County Highway Department as a downstream landowner, as required under N.D. Cent. Code § 61-32-03.1. Under the tile law passed during the 2017 Legislative session, the Board cannot require Applicants to obtain permission from Traill County to utilize its highway ditch as an outlet. However, Applicants has already obtained written permission from Traill County; further, the Board can require Applicants to install and maintain erosion protection in the highway ditch to protect the ditch from erosion.

According to records provided by Applicants, the Stair Z. Calhoun Revocable Trust owns the East Half of the Northeast Quarter of Section 29, and Christopher Newman owns the West Half

of the Northeast Quarter of Section 29. J.S. Dalrymple III is the Power of Attorney for both parties. Traill County owns its highway right of way along the north boundary of Section 28.

Manager Lovas moved, and Manager Thompson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2018-07* dated October 19, 2018, and filed October 22, 2018, for Stair Z. Calhoun Revocable Trust, Christopher Newman, and J.S. Dalrymple III, POA, in the Northeast Quarter of Section 29 in Greenfield Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT No. 2018-07, subject to the following conditions:

- 1) That Applicants notify the Traill County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) That Applicants provide, install, and maintain riprap or other ditch stabilization materials satisfactory to Traill County at any and all outlets into Traill County's road right of way.

Upon roll call vote, the motion carried unanimously.

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 will recommend that Applicants consider complying with the following:

- 1) That Applicants obtain written permission from Traill County to discharge into, or otherwise utilize, any of its County highway ditches; to install, operate, and maintain buried pipe in any of its County highway ditches; or to bore through its County highway ditches;
- 2) That Applicants obtain written permission from Seth Erickson to connect to the underground pipeline that will serve as the outlet for Seth Erickson's tile project in the Southeast Quarter of Section 29 of Greenfield Township;
- 3) That Applicants notify the Traill 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, submitting an additional permit application; and
- 4) 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.

Having no further topics to discuss, the meeting adjourned at 9:00am without objection.



Jason Siegert, Chairman



Nettie Johnson, Secretary