

**MEETING MINUTES  
RED RIVER JOINT WATER RESOURCE DISTRICT  
EXECUTIVE COMMITTEE MEETING  
ORIGINATING AT THE OFFICE OF THE TRAILL COUNTY WRD  
HILLSBORO, NORTH DAKOTA  
MAY 10, 2017 ~ 9:30AM**

The Executive Committee meeting was called to order by Chairman Thompson on May 10, 2017 at 9:30am in Hillsboro, ND. Those present were: Chairman Gary Thompson; Managers Ben Varnson, Robert Rostad, Lance Yohe, Josh Ihry, and Scott Olerud. Also present were: Sean Fredricks, Attorney for the Board; Nettie Johnson, Secretary; Carol Harbeke Lewis, Treasurer; Randy Gjestvang, SWC; David Jones, NRCS; Morrie Lanning, Lanning Consulting; Leah Tvidt, RRBC; and Chad Engels, Moore Engineering, Inc.

**ORDER OF AGENDA**

Ben Varnson moved to approve the order of the agenda as amended. Lance Yohe seconded the motion. Upon roll call vote, the motion carried unanimously.

**MEETING MINUTES**

Josh Ihry moved to approve the March 8<sup>th</sup> and March 15<sup>th</sup>, 2017 Executive Committee meeting minutes as presented. Robert Rostad seconded the motion. Upon roll call vote, the motion carried unanimously.

**STATEWIDE INTERDISTRICT SIGNIFICANT PERMITS**

***Helendale Private Drain, LLC***

Attorney Fredricks stated that his office has implemented the necessary paperwork for the hearing and has filed it in the Richland County WRD's office and the RRJWRD Secretary's office.

The hearing is scheduled for Monday, May 22, 2017 at 10:00a.m. in Wahpeton, ND.

***Bernard & Brian Vculek (Sargent County WRD)***

An Application for Surface Drainage # 4826 has been submitted by applicant Bernard & Brian Vculek of Crete, ND which contains statewide interdistrict significance.

The purpose of the permit application is to remove excess water from the SE ¼, NE ¼, and NW ¼ in Section 20, T131-R58 located in Sargent County, ND. Total drainage area: 150 acres.

Additional information has been requested from the engineers of the Project. Once received, the investigation of the permit will move forward.

## **LEGISLATION**

Attorney Fredricks gave the Board updates on the status of several Senate and House bills that have been or are being presented through the North Dakota Legislation:

**Quick Take SB 2047** was sent forward by the Water Topics Interim Committee to set forth requirements and procedures for the use of quick-take eminent domain by WRD's. The bill removes the threat of quick-take in early proceedings and reserves it as last resort option. The district must try to work out an agreement, informally over no less than 60 days. If an agreement isn't reached at the time, formal negotiations will proceed with the district sending the landowners a formal written offer which includes specifics of what is considered the right-of-way. This must be sent by certified mail. If there is no response within 15 days of the delivery, the district must send a notice request for a meeting to negotiate. If there is still no response within 30 days of that notice, the district may send a final notice to the landowner of intent to acquire the right of way and then request approval from the board of county commission to utilize quick-take. This Bill was passed and will go into effect as of August 1, 2017.

**Tile HB 1390** outlines the following conditions in regard to subsurface water management systems:

- Requires water resource board managers to attend a course on water management within three months of the start of their terms and every three years during the remainder of their term.
- Changes the language throughout the bill from "drainage project" to "subsurface water management project."
- Outlines a maximum coefficient of three-eighths of an inch or less for subsurface water management systems that use surface intakes.
- Installation of a subsurface water management system comprising less than 80 acres does not require a permit.
- Requires the State Engineer to develop an application form for a permit and requires applicants to submit a complete application to the water resource district board.
- Establishes a \$150 fee for the application and requires the water resource board send notice and copy of the submission via certified mail to each landowner, downstream and upstream.
- Outlines procedure moving forward if application is approved or denied.
- Only allows conditions if the tile project outlets directly into a road ditch or assessment drain, which will happen very seldom, if at all. So essentially there is no authority to attach conditions, including rural water easement conditions.
- Outlines that all liability of the project lies within the applicant, not the water resource board.
- Projects cannot be any closer than 20 feet to rural water lines on either side.
- Outlines possible infractions for a person who were to install a project over 80 acres and did not acquire a permit and permission.
- Instructs legislative management to consider studying and monitoring the nutrient management plan developed by the State Department of Health during the 2017-2018 interim.

The State Engineer's Office is preparing new application/permit forms and we will likely have to modify a few items in these documents once OSE releases those new forms.

The RRJWRD is considering the possibility of conducting a tile workshop so we can discuss the new tile permitting process in more detail for WRDs. Mr. Fredricks will prepare a flow chart to present at the workshop for use by WRDs.

### **BY-LAWS**

Mr. Fredricks presented a revised version of the By-Laws that were discussed at our last meeting in April. A few of the changes pertain to the penalties incurred if a member district fails to meet its RRJWRD membership fee obligations in any given year due to failure by its county commission to approve all or a portion of the member district's RRJWRD membership fees in the member district's budget. After further discussion, Ben Varnson moved to recommend to the full Board to adopt the revisions made to the By-Laws. Josh Ihry seconded the motion. Upon roll call vote, the motion carried unanimously.

### **RANDY GJESTVANG REPORTS & UPDATES**

Randy Gjestvang provided updates on detention studies and stated that all studies are now complete. There are a few reports being waited on for the Park River, local area between the Park River & Pembina River, and the Tongue River. He is working with consultants to finalize payments and would like to get the final costs to the SWC and also provide costs to the Corps to include as in-kind to match federal costs for the RR Watershed Feasibility Study.

An appeal concerning the Pembina River border dike lawsuit concerning whether the federal court had jurisdiction was denied on May 3, 2017. A meeting will be held to discuss future options.

A discussion was held with Representative Schmidt regarding issues with feasibility studies and the SWC requirements for economic analysis of potential projects.

Mr. Gjestvang described the items discussed at the Devils Lake Outlet Management Committee met on May 4<sup>th</sup>.

A cost-share agreement between the State Water Commission and the RRJWRD to fund a Commission office (Randy Gjestvang's office) in the Red River Valley was reviewed by the Executive Committee. The office is staffed by a Commission engineer/hydrologist who works under the direction and supervision of the State Engineer who works with the District and other local entities involved in water resources. The total cost for the term of this agreement is estimated to be \$280,000.00 with the District reimbursing the Commission one-half of the actual cost, not to exceed \$140,000.00 from July 1, 2017 through June 30, 2019. After further discussion, Josh Ihry moved to recommend to the full Board to approve the agreement to staff the Red River Valley office. Ben Varnson seconded the motion. Upon roll call vote, the motion carried unanimously.

### **RED RIVER RETENTION AUTHORITY (RRRA)**

Randy Gjestvang gave updates for Keith Weston, Executive Director for the RRRA in his absence to include several meetings he has been involved with since April 12<sup>th</sup>.

Mr. Weston set up a joint meeting for May 17<sup>th</sup> between the NRCS, RRRA and RCPP watershed sponsors, staff and their consultants to discuss the ongoing Regional Conservation Partnership Program (RCPP) watershed planning efforts.

Formal letters were sent to Cass County Joint WRD (CCJWRD) concerning the suspension of watershed planning on the Rush River and Swan Creek RCPP watersheds.

Formal letters were sent to the Sand Hill River and Wild Rice Watershed Districts encouraging them to begin RCPP watershed planning.

Towards the end of May, Mr. Weston will be requesting information updates from WRDs for completion of the six-month report for NRCS agreement (Memorandum of Understanding). The studies and projects to be included in the six-month report include both the RCPP studies and other flood damage reduction types of projects that the WRDs/WDs partner.

Dave Jones, NRCS, described a meeting that will be held on May 12<sup>th</sup> with the ND NRCS staff and ND Association of Soil Conservation Districts to discuss RCPP watershed planning efforts in the Red River Basin.

### **RED RIVER BASIN COMMISSION**

Leah Thvedt, Outreach Coordinator, met with the Committee this morning to provide RRBC updates. A board meeting and tour will be held May 31-June 1<sup>st</sup>, 2017.

Ms. Thvedt invited those in attendance to visit their new website at [redriverbasincommission.org](http://redriverbasincommission.org).

Discussion was held on the hiring of a new Executive Director who will be taking the place of Mr. Jeff Lewis. Lance Yohe has been chosen to be the interim until a new E.D. can be hired.

Ms. Thvedt presented a sublease agreement for the NDSWC Office (Randy Gjestvang's office). The term of the sublease is 22 months beginning on July 1, 2017 through April 30, 2019. The rent is \$388.00 per month payable to the Red River Basin Commission. Josh Ihry moved to approve the agreement as presented. Ben Varnson seconded the motion. Upon roll call vote, the motion carried unanimously.

### **TREASURER REPORT**

Treasurer Carol Harbeke Lewis presented financial reports for the Committee to review. Lance Yohe moved to approve the report as presented. Josh Ihry seconded the motion. Upon roll call vote, the motion carried unanimously. Discussion was held on obligated funding issues pertaining to the large project balances the spreadsheet contains. Randy Gjestvang offered to work with consultants and prepare a spreadsheet reflecting the reasons

for the large balances the projects carry so it can be easily explained if there should be any questions by county commissioners or others.

Josh Ihry moved to approve payment of checks #3543 through #3552, and the electronic funds transfers. Lance Yohe seconded the motion. Upon roll call vote, the motion carried unanimously.

Lance Yohe moved to direct Treasurer Harbeke Lewis to forward the Letter of Engagement to the Office of the State Auditor for 2016. Robert Rostad seconded the motion. Upon roll call vote, the motion carried unanimously.

Treasurer Harbeke Lewis informed the Committee that the 2018 budget should be finalized and prepared soon.

**ADJOURNMENT**

Having no further business to be considered by the Board, the meeting adjourned at 11:25a.m.without objection.

APPROVED:

ATTEST:

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Gary Thompson, Chairman

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Nettie Johnson, Secretary