

**Notice of Meeting and Agenda**  
**Walsh County Water Resource District**  
**Tuesday, June 6<sup>th</sup>, 2023**

**Walsh County Courthouse Lower Level Office #3**

- 8:00 a.m.** Call to Order  
Roll Call  
Agenda Approval  
Consent/Approval
- Minutes May 30th Meeting
  - Bills
- 8:10 a.m.** WC Hwy Dept. Drainage Permit Application- K Bros., for Co. Rd 12A Ditch  
*-Today at 9:10 am, this permit is scheduled to be before Co. Commission for review. They are seeking WRD review beforehand.*
- 8:20 a.m.** Jennifer Lindenberger, Financial Report
- 9:15 a.m.** Jacob Wognum, HEI Project Updates
- Drain 7 Assessment Area
- 10:15 a.m.** Grafton Township Bridge Replacement
- Memo from Co. Hwy. Dept: Project coordination, County contribution, etc.
- 10:30 a.m.** Stream Crossing Determination Request to DWR, Co. Rd 8 in  
Prairie Centre Township

**Other items**

- Miscellaneous Correspondence

**Reminders:**

In accordance with North Dakota law, Water Resource Districts may, if necessary, depart from or add to the agenda at meetings.

People with disabilities who plan to participate in the meeting and need special arrangements should contact the Water Resource District office at 701-352-0081.

**Proceedings of the Walsh County Water Resource District Board Meeting**  
**Tuesday, June 6th 2023**  
**Walsh County Courthouse, Grafton, ND**

June 6<sup>th</sup>, 2023 – 8:00 a.m.

Chairman Daryl Campbell called the meeting of the Walsh County Water Resource District Board to order. Roll call taken: Chairman Daryl Campbell, Vice Chairman Larry Tanke and Manager Albin Jallo were present.

***A motion to approve the agenda was made by Vice Chairman Tanke; 2<sup>nd</sup> by Manager Jallo. Motion carried.***

***A motion to approve the minutes of the May 30th board meeting, and the bills as presented, was made by Manager Jallo; 2<sup>nd</sup> by Vice Chairman Tanke. Motion carried.***

**WC Hwy Dept. Drainage Permit Application for K Bros.:** The permit involves surface drain cleaning upstream of County Road 12A, in the NE ¼ of the SE ¼ of Section 4 of Rushford Township. ***Vice Chairman Tanke moved to approve the permit; 2<sup>nd</sup> by Manager Jallo. Motion carried.***

**Financial Report:** Jennifer Lindenberger, CPA presented the quarterly financial report thru April. She will present the financials on a quarterly basis to the board.

**Jacob Wognum, HEI:**

- Drain 31 photos were reviewed including grass seeding areas and crossings. They will update us with a start date for seeding the remaining areas. The seeding window continues in June.
- Assessment areas for Drains 7 and 98 continue to be reviewed. Drain 90 is another area needing further review and discussion.
- Vice Chairman Tanke recommended that the board hold an informational meeting in July for landowners to primarily get discussion going for Drain 90. Drain 98 assessment would also be discussed in that meeting. It will be advertised in the newspaper for several weeks. The date is TBD.
- Easement payment for John Gudajtes on Drain 31 was discussed.
- Wognum continues to work to wrap up old Century Link easements.
- Some Drain 31 easements have encroachment and the signs are down.
- Areas needing drain signs will be identified and GPS'd so that new signs can be installed.

**Grafton Township Bridge Replacement:**

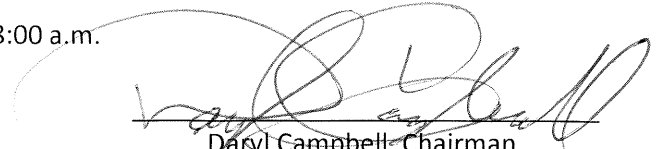
Jason Johnston, County Highway Superintendent stopped in to discuss the bridge replacement in Grafton Township between sections 31 and 32 on Drain 87. Triple D Construction will be removing the bridge and replacing it with two large culverts. Work will begin at the end of the month. Jacob Wognum added that HEI can get it staked within the week.

**Miscellaneous:**

- **Drain 4 A-** Pete Brown from Drayton called into the meeting regarding a railroad culvert with erosion on 76<sup>th</sup> St NE, Section 9 in St. Andrews Township. The culvert that is there is too high. An additional culvert is needed and would be coordinated with Burlington Northern. HEI will provide an estimate to bore in the same sized culvert with a lower elevation at that location.

- **DWR Cost share** remaining balance on Phase 7 of the Park River Snag and Clear is \$2,852.99. No further work qualifies before the money expires for this phase, and the monies cannot be transferred to the next phase of work. Sarah will return the funds at this time.

The next board meeting will take place on June 13th at 8:00 a.m.



Daryl Campbell, Chairman

Attest:   
Sarah B. Johnston, Administrative Assistant

**Notice of Meeting and Agenda**  
**Walsh County Water Resource District**  
**Tuesday, June 13<sup>th</sup>, 2023**  
**Walsh County Courthouse Lower Level Office #3**

- 8:00 a.m.** Call to Order  
Roll Call  
Agenda Approval
- 8:10 a.m.** Consent/Approval
- Minutes June 6th Meeting
  - Bills
- 8:20 a.m.** Revision to Jelinek/Helland Diversion License

**Other items**

- Miscellaneous Correspondence

**Reminders:**

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**Proceedings of the Walsh County Water Resource District Board Meeting**  
**Tuesday, June 13th 2023**  
**Walsh County Courthouse, Grafton, ND**

June 13<sup>th</sup>, 2023 – 8:00 a.m.

Chairman Daryl Campbell called the meeting of the Walsh County Water Resource District Board to order. Roll call taken: Chairman Daryl Campbell and Vice Chairman Larry Tanke were present, and Manager Jallo joined by phone.

*Modifications to the agenda: Dougherty Dam damages, Drain 22B culvert damage, Drain 7/Drain 98 informational meeting. **A motion to approve the agenda was made by Manager Jallo; 2<sup>nd</sup> by Vice Chairman Tanke. Motion carried.***

***A motion to approve the minutes of the June 6th board meeting, and the bills as presented, was made by Manager Jallo; 2<sup>nd</sup> by Vice Chairman Tanke. Motion carried.***

**Revision to Jelinek/Helland Diversion License:** Britta Jelinek and Clark Helland applied to the State DWR to divert water from Fordville Dam, and the license is necessary as a part of that process. The existing license agreement draft between the WRD and the landowners was modified by Steve Ekman. The proposed revision was reviewed by the board. ***Vice Chairman Tanke moved to approve the contract as revised; 2<sup>nd</sup> by Manager Jallo. Motion carried.***

**Dougherty Dam:**

Earlier in the week, Keith Bylin submitted a photo of the dam, showing a large amount of damage on the spillway. The board viewed the photo and Chairman Campbell mentioned that the damages to the dam should go to FEMA. In the past, a moderate repair was made by a contractor using rock. Currently, there is a large amount of rock missing from the dam's spillway. Sarah will get in touch with the contractor and who worked on the project last time to get a quote for repairs.

**Drain 22B Culvert Damages:**

A newer large culvert east of County Road 2 and 59<sup>th</sup> St was damaged in the spring flood. It is located just east of Carl Oowski. Vice Chairman Tanke visited the site when the report came in and took photos, which he shared with those in attendance. It's a spiral style culvert with a trap on the end that is now bent. The sections of culvert have separated and will be submitted to FEMA. Vice Chairman Tanke provided photos of a field driveway on Drain 29, as well as recent photos of a FEMA site on 4B which is initially from 2022.

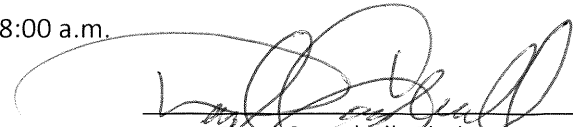
**Drain 7/ Drain 98 Informational Meeting:**


A meeting to discuss proposed changes of assessment areas of Drains 7 and 98 will be held. The board decided upon Tuesday, July 18<sup>th</sup> at 9:00 am in the Farmers Room. The regular board meeting will be scheduled at 8:00 am, and will dismiss just prior to the start of the meeting in the Farmers Room. The townships involved in the drainage area includes: Harriston, Walsh Centre, Prairie Centre, and Rushford. Currently, there is no debt held on Legal Drain 7 or Legal Drain 98.

**Miscellaneous Items:**

- **Spraying of Drains/Dams:** Sarah asked about hiring spraying for drains and dams. Vice Chairman Tanke has viewed a few locations and will be in touch at the next board meeting.

The next board meeting will take place on June 20th at 8:00 a.m.

  
Daryl Campbell, Chairman

Attest:   
Sarah B. Johnston, Administrative Assistant

**Notice of Meeting and Agenda**  
**Walsh County Water Resource District**  
**Tuesday, June 20<sup>th</sup>, 2023**  
**Walsh County Courthouse Lower Level Office #3**

- |                  |  |
|------------------|--|
| <b>8:00 a.m.</b> | Call to Order<br>Roll Call<br>Agenda Approval  |
| <b>8:15 a.m.</b> | Consent/Approval <ul style="list-style-type: none"><li>• Minutes June 13th Meeting</li><li>• Bills</li></ul> |
| <b>9:00 a.m.</b> | Jay Gudajtes, Minto<br>- Drain 31 easement, Drain 28 damage  |

**Other items**

- Miscellaneous Correspondence

**Reminders:**

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**Proceedings of the Walsh County Water Resource District Board Meeting**  
**Tuesday, June 20<sup>th</sup>, 2023**  
**Walsh County Courthouse, Grafton, ND**

June 20<sup>th</sup>, 2023 – 8:00 a.m.

Chairman Daryl Campbell called the meeting of the Walsh County Water Resource District Board to order. Roll call taken: Chairman Daryl Campbell, Vice Chairman Larry Tanke and Manager Jallo.

*The agenda was modified to include DWR Determination Letter dated June 16<sup>th</sup> regarding Mark Novak's #6207 permit application. **A motion to approve the agenda was made by Manager Jallo; 2<sup>nd</sup> by Vice Chairman Tanke. Motion carried.***

***A motion to approve the minutes of the June 13th board meeting, and the bills as presented, was made by Vice Chairman Tanke; 2<sup>nd</sup> by Manager Jallo. Motion carried.***

**DWR Determination Letter on Surface Drainage Permit #6207:**

A determination letter from DWR regarding Surface Drainage Permit Application #6207 for Mark A. Novak dated June 16<sup>th</sup> was received by the board. The letter states that Novak's surface drainage project is not of statewide or inter-district significance. Novak's attorney, Brett Johnson of Vogel Law, contacted the office on June 19<sup>th</sup> to ask the board if Novak may submit information to address the concerns listed by the board in their May letter to DWR. The board decided any new information from Novak will be due by July 5<sup>th</sup>, 2023.

**Jay Gudajtes- Drain 31, Drain 28, Dipple Drain (Drain 5), Drain 87 and Misc.:**

Gudajtes was asked by the board to come in and discuss a few items. The Drain 31 easement was in process for a period of time during drain construction and needed revision and finalization with one of the family's trusts. He has been in contact with his attorney recently to get final paperwork entered so that easement payment can be made on Section 19, Harriston Township. There is a Houston Engineering invoice due for Gudajtes' survey work. They need to pay this bill and the easement payment will be processed thereafter. The board then discussed the Drain 31 easement distance on Section 19 of Harriston Township. The permanent easement is 75ft.

Damage in Drain 28 was reported within the past week by a concerned landowner of Walshville Township. The drain bottom on the NE ¼ of Section 29 was rutted up deeply by a tractor that tried to mow the drain bottom. Work cannot be done in the bottom of drains without prior authorization. The board addressed the damages with Gudajtes. They will allow him an opportunity to fix the bottom of the ditch by dragging it to flatten it out. They will inspect it this fall to see the work he did. If the work does not get completed, the board will fix it and charge it to him.

The board also covered the issues they are having with encroachment of crop being planted on several parcels of Drain 31. Chairman Campbell mentioned placement of drain signs, which are 1 ft within the drain boundary, being weaved around or taken down by operators. He said he was not specifically addressing Gudajtes, and added that everyone is getting one shot to comply with what is expected of them on drain easements. Anyone encroaching on these drain easements and/or taking down drain signs is going to be dealing with \$500 per sign. Vice Chairman Tanke stated that each landowner with an



**Jay Gudajtes continued—**

easement will be brought in one by one to have a discussion on what is required of them. Signs will need to be posted according to GPS locations. Gudajtes will review the south side planting area and the proximity of the ROW in Section 19. In addition, the board discussed with Gudajtes that spraying the weeds next to the drain must be done carefully and they cannot be using Round Up or it kills the grass planted to control erosion.

Gudajtes asked about replacing the bridge on Dipple Drain (Drain 5) at 67<sup>th</sup> St NE. Vice Chairman Tanke informed him that they have already talked with Jason Johnston at the County regarding replacing it with culverts. He also brought up the locations of several bridges and culverts north of Minto are not part of the legal drains, but are within the assessment areas of Drains 7 and 31.

Gudajtes asked about assessments and the value of the assessment that can be assessed. He was wondering why the drains aren't assessed every year. Vice Chairman Tanke responded that most drains are being assessed each year and that is due to costs of doing work. Drainage assessments are limited to \$4/year for a maximum of 6 years' worth of assessments. Manager Jallo added that we have to assess or isn't money for when things need to be done.

Pertaining to a bridge on the boundary of Drain 87 and Drain 7 on 66<sup>th</sup> St NE:

On the NE ¼ of Section 6 in Harriston, Gudajtes asked if the water flows north or south on the inner NW corner of this quarter and proposed a culvert here to replace the bridge because the amount of water that moves that way seems to be reduced compared to the era when the bridge was installed. Manager Jallo added that the weight limit on some bridges don't have adequate weight ratings for equipment. The quarter to the north across the road that could potentially receive the water is the SE ½ of S32 of Oakwood Township. On the South side of Section 6, the water flows south. His township would work with Oakwood Township on it. He added that bridges southeast of Warsaw have issues and there are a few that are closed. Gudajtes mentioned a township bridge on the south side of section 34 between Harriston and Ardoch townships that could be replaced with one large culvert.

Chairman Campbell mentioned Dennis Dipple's inquiry on Walshville, Section 29 NE ¼ to Gudajtes. In the middle of the east side of the gravel road there is a driveway with a sinkhole affecting the culvert, which now has a broken band. Jay Gudajtes is working with Dipple on replacing that culvert. It is a township culvert and not a culvert on a legal drain.

Sarah Johnston reviewed Jay Gudajtes' records requests for tile permits associated with his family's farm. She asked if he wanted to proceed with incurring charges of approximately \$100 (\$25/hr) for additional time spent retrieving records. He agreed to the charges for the research and retrieval, and viewed a couple of permits while in the office during the meeting.

**Jason Johnston- Walsh Co. Highway Department:**

- Jason joined the meeting to check in on culverts and bridges. Chairman Campbell asked him about the county requiring hydrology studies on culverts, especially with culverts that have small acres draining through them. Jason said the studies must be done due to legal reasons. His budget hasn't allowed him to help townships with the expenses of those studies. Discussion followed on the high costs of doing work with engineering firms.
- Bridge replacement priorities: An aluminum box culvert will replace the bridge 2 miles north of Voss beet piler on County Road 6 & 63<sup>rd</sup> St to be paid with House Bill 1505 funding. An aluminum

box culvert will replace the bridge on 72st St and County Road 8, which is just south of County Road 9. He is also replacing a bridge on the Forest River one half mile west of Fordville on County Road 19 with a concrete box culvert.

**Miscellaneous Items:**

- **Ring Dike Applications:** Sarah brought forth information on landowners she's been working with on the ring dike program. A couple of applicants do not qualify due to the dikes having less complete coverage surrounding the area to be protected; dikes can't be one or two sided. One applicant completed their visit with a contractor and decided to do the project without cost share due to the dimensions required in the state's specifications. Another landowner said they have completed the steps needed and will send in their information.
- **Spraying of Drains/Dams:** The board continues to assess which areas should be sprayed.

The next board meeting will take place on June 20th at 8:00 a.m.

Attest:   
Sarah B. Johnston, Administrative Assistant

  
Daryl Campbell, Chairman

**Notice of Meeting and Agenda**  
**Walsh County Water Resource District**  
**Tuesday, June 27<sup>th</sup>, 2023**  
**Walsh County Courthouse Lower Level Office #3**

- 8:00 a.m.** Call to Order  
Roll Call  
Agenda Approval
- 8:15 a.m.** Consent/Approval
- Minutes June 20th Meeting
  - Bills
- 8:30 a.m.** Drain 31: ROW Review
- Jeanette Shambaugh
- 9:00 a.m.** Tile Drainage Permit Application
- Steven Rudnik
- 9:15 a.m.** Drain 98 Damage Reported
- 63<sup>rd</sup> St NE & R.R.
- 9:30 a.m.** Drain 31: ROW Review
- Don Rudnik

**Other items**

- Miscellaneous Correspondence

**Reminders:**

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**Proceedings of the Walsh County Water Resource District Board Meeting  
Tuesday, June 27th 2023  
Walsh County Courthouse, Grafton, ND**

June 27<sup>th</sup>, 2023 – 8:00 a.m.

Chairman Daryl Campbell called the meeting of the Walsh County Water Resource District Board to order. Roll call taken: Chairman Daryl Campbell and Vice Chairman Larry Tanke in person, and Manager Jallo by phone.

*The agenda was modified to include preliminary discussion on the budget for FY 2024, and a call with Attorney Gaustad to follow up on County's cost share agreement. **A motion to approve the agenda was made by Vice Chairman Tanke; 2<sup>nd</sup> by Manager Jallo. Motion carried.***

***A motion to approve the minutes of the June 20th board meeting, and the bills as presented, was made by Vice Chairman Tanke; 2<sup>nd</sup> by Manager Jallo. Motion carried.***

**Jeanette Shambaugh- Drain 31 ROW Review:**

Shambaugh was unable to attend and will be scheduled for a later date.

**Tile Drainage Permit- Steven Rudnik:**

The board reviewed the application to install subsurface drainage in the SE 1/4 of S32 of Oakwood Township. The project will include a pump outlet in the SE 1/4 Section 32, discharging east thru 151<sup>st</sup> Ave NE, into S33 and following the township ditch on the east side of the road, crossing 66<sup>th</sup> St NE, and continuing south thereafter in the township ditch on the east side of the road in Section 5 of Harriston Township. ***Vice Chairman Tanke moved to approve Steven Rudnik's permit; 2<sup>nd</sup> by Manager Jallo. Motion carried.***

**Budget FY 2024:**

The office received notice from the auditor that they will need to meet with the commissioners on either July 17<sup>th</sup> or 18<sup>th</sup> to review the board's FY 2024 mill levy request. Sarah will prepare the draft budget for review at July 11<sup>th</sup>'s board meeting. There is no board meeting planned for the week of the 4<sup>th</sup> of July. Payroll will be issued on July 11<sup>th</sup>.

**Drain 98 Damages:**

Ted Kerian reported erosion in Drain 98 north of Minto, where the R.R. tracks intersect with 63<sup>rd</sup> St NE. The board will have a look at it.

**Terry LaFreniere:**

LaFreniere joined the meeting to ask for changes to assessment on the W 1/2 of SW 1/4 of S32, and the SE 1/4 of S31, both in St. Andrews Township. They are currently in the Drain 50 assessment area. The board stated that more information would need to be provided on S31. They will get back to him on the process for S32. There are about 70 acres on that parcel that may be considered.

**Tony Gudajtes:**

Gudajtes called the office to notify the board he is working with an attorney on his drain tile project that is located on Harriston S14.

**Don Rudnik- Drain 31 ROW Review:** The board met with Rudnik to discuss the Drain 31 ROW as the board has

done with others along that drain. The board provided Rudnik photos of the drain as it is right now on the McDonald parcel he is farming in the NE ¼ of S13 in Harriston Township. The following items were covered with him as a reminder of drain ROW seeding: the drain signs are posted 1 ft within the drain ROW to designate boundary, the boundary is GPS'd, any that violations on signs and ROW issues will be \$500 per incident hereafter. Vice Chairman Tanke added that some producers have weaved in and out of ROW signs and that it is not allowed. The particular issue right now, specific to Rudnik on this McDonald parcel he's farming, is that crop planted is seeded in a portion of the right of way. Grass will be seeded there shortly by the contractor. Rudnik acknowledged the error and stated he'll be in compliance. Vice Chairman Tanke brought up that before construction of the drain, Rudnik had problem with dirt blowing from this field and that it should be controlled with cover crop when possible, to keep the drain from silting in.

Rudnik then brought up an issue with Tony Gudajtes' tile project in Section 14 of Harriston Township. He outlined a few different issues he has with the project, but most relevant to the WRD is the location of the tile pump because of it potentially catching snow and building a drift on the road next to his farmstead on the corner of 155<sup>th</sup> Ave NE and 63<sup>rd</sup> St. He also stated that the ditch on 63<sup>rd</sup> Street sometimes fills with water. Chairman Campbell responded that this ditch is an acceptable outlet area for tile water to enter. Rudnik also mentioned wanting to have had notification on the tile plan. Chairman Campbell responded that as the law stands now, Rudnik wouldn't have been notified that this project was taking place.

Rudnik next inquired about the N ½ of Section 19 along Drain 31-1 and the portion of the drain reconstruction that took place there at this location, including the survey that was conducted. He also asked about ROW signage he said was absent. Vice Chairman Tanke indicated that the board is in contact with John Gudajtes Farms on the matter of the current ROW management, and that the past survey on the Gudajtes parcel was at Gudajtes Farms' expense.

#### **Dan Gaustad- County Cost Share Agreement, Public Meetings:**

The board contacted Gaustad about his progress with Kelley Cole on the County's cost share agreement issue with the WRD. He said that he and Attorney Cole are scheduled for next week to discuss it further.

Public Meetings -The board notified Gaustad of the July 18<sup>th</sup> WRD meeting being held to provide the public more information on the proposed changes to the assessments areas for Drains 7 and 98. Since it's an informational meeting, the requirements for public notifications are different. The board has gone above and beyond to advertise this meeting for three weeks in the county newspaper in hopes of getting attendees to discuss these drains.

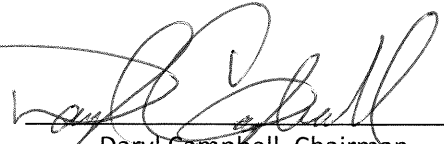
The discussion also included questions as to the possibility of holding a public hearing on the matter involving Surface Drainage Permit Application 6207 (Mark A. Novak) now that the state has made their determination.

#### **Miscellaneous Items:**

- Department of Water Resources asked if the board would be willing to post a sign designating Bylin Dam as a cost share project. We'll have it installed if they provide the sign.
- Vice Chairman Tanke mentioned putting an ad in the paper reminding people to stay out of the bottom of the drains in regards to mowing or spraying.
- Board mentioned having Sarah look into algal bloom signage and testing for Matecjek Dam.
- Chairman Campbell looked at Jay Gudajtes repairs in Drain 29 as discussed at the recent board meeting with him. It looked repaired to the extent anticipated.
- Vice Chairman Tanke updated the board that HEI was working on an estimate for repairs on Drain 4B at the railroad crossing.


- The board called Jacob Wognum of HEI for an update on the informational drain meeting being held on July 18<sup>th</sup>, mentioned previously in these minutes.

The next board meeting will take place on July 11<sup>th</sup> at 8:00 a.m.



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Daryl Campbell, Chairman

Attest:   
Sarah B. Johnston, Administrative Assistant