

# RED LAKE WATERSHED DISTRICT

September 13, 2018

Agenda

9:00 a.m.

9:00 a.m.	Call to Order	Action
	Review and approve agenda	Action
	Requests to appear	Information
	August 23, 2018 Minutes	Action
	Financial Report dated September 12, 2018	Action
	Thief River Falls West Side FDR Project No. 178 Flood Hazard Mitigation Grant	Information
	Pine Lake, RLWD Project No. 26	Information
	Little Pine Lake WMA Structure, RLWD Project No. 26A Change Order No. 1 Pay Estimate No. 1	Information Action Action
	Judicial Ditch 5, RLWD Project No. 102-Dudley Township	Information
	Blackduck Lake Outlet Structure, RLWD Project No. 50E	Action
9:30 a.m.	2019 General Fund Budget Hearing	Action
	Black River Impoundment, RLWD Project No. 176	Information
	Agassiz NWR-Wetland Habitat Quality & Mgmt Enhancement Grant RLWD Proj. 180A-Quotes	Action
	Ditch 16, RLWD Project No. 177-Update	Information
	Buffer Law Implementation	Information
	Pine to Prairie Birding Trail-Parnell and Euclid East Impoundment's	Information
	RLWD Ditches-Culvert Markers	Information
	Moose River Impoundment-Access	Information
	MnDNR-Well Interference Correspondence	Information

Permit Violation-Permit No 18112-After the Fact	Information
Permits: No. #18092-18104, #18106-18111, and #18113	Action
MAWD Resolutions	Information
Employee Resignation	Information
Ditch Inspector	Action
Staff Health Insurance	Information
Administrators Update	Information
Legal Counsel Update	Information
Managers' updates	Information
Adjourn	Action

UPCOMING MEETINGS

September 18, 2018	RRWMB Meeting, Ada, 9:30 a.m.
September 18, 2018	Beltrami County Commissioners Meeting
September 27, 2018	RLWD Board Meeting, 9:00 a.m.
October 2, 2018	Marshall County Commissioners Meeting, 10:00 a.m.
October 11, 2018	RLWD Board Meeting, 9:00 a.m.
October 25, 2018	RLWD Board Meeting, 9:00 a.m.

# DRAFT

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
August 23, 2018

President Dale M. Nelson called the meeting to order at 9:00 a.m. at the Red Lake Watershed District Office, Thief River Falls, MN.

Present were: Managers Terry Sorenson, Gene Tiedemann, Dale M. Nelson, Allan Page, Les Torgerson, LeRoy Ose and Brian Dwight. Staff Present: Myron Jesme and Tammy Audette. Staff absent: Legal Counsel, Delray Sparby.

The Board reviewed the agenda. President Nelson stated that Employee Resignation and Employee Posting Ditch Inspector/Technician II will be removed as an agenda item. A motion was made by Torgerson, seconded by Dwight, and passed by unanimous vote that the Board approve the agenda, with the removal of Employee Resignation and Employee Posting Ditch Inspection/Technician II. Motion carried.

The Board reviewed the August 9, 2018 minutes. Motion by Torgerson, seconded by Dwight, to approve the August 9, 2018 Board meeting minutes as presented. Motion carried.

The Board reviewed the August 21, 2018 minutes. Motion by Sorenson, seconded by Dwight, to approve the August 21, 2018 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated August 22, 2018. Motion by Tiedemann, seconded by Sorenson, to approve the Financial Report August 22, 2018 as presented. Motion carried.

Staff member Arlene Novak reviewed the Investment Summary as of August 22, 2018. Novak reviewed the quotes received for investment of the Certificate of Deposit set to mature on September 3, 2018. Motion by Sorenson, seconded by Dwight, to invest the maturing Certificate of Deposit with Unity Bank North-Red Lake Falls, in a 12-month Certificate of Deposit. Motion carried.

Manager Sorenson recommended transferring \$200,000 from the checking account at Northern State Bank into the American Federal Bank money market account which has an accelerated interest rate. Staff member Arlene Novak stated that funds in the money market account at American Federal Bank are accessible at any time. Motion by Sorenson, seconded by Ose, to authorize the transfer of \$200,000 of funds from the Northern State Bank checking account into the American Federal Bank money market account. Motion carried.

The 2019 Proposed Special Revenue Project levies were presented by Staff member Arlene Novak and discussed by the Board. Questions in regard to different ditch systems were fielded. Motion by Ose, seconded by Tiedemann, to approve the following Special Revenue Assessments for 2019: State Ditch No. 83, RLWD Project No. 14, \$50,000; RLWD Ditch No. 7, RLWD Project No. 20, \$6,000; Pine Lake Maintenance, RLWD Project No. 35, \$4,000; RLWD Ditch

No. 8, RLWD Project No. 36, \$1,000; RLWD Ditch No. 9, RLWD Project No. 39, \$1,000; J.D. No. 72, RLWD Project No. 41, \$9,000; J.D. 2, Branch A & B, RLWD Project No. 48, \$1,000; J.D. 2B & C, RLWD Project No. 49, \$1,500; Main J.D. 2-Eck Petition, RLWD Project No. 51, \$1,500; Krostue Petition, RLWD Project No. 53, \$2,500; J.D. 5 (Four-Legged Lake), RLWD Project No. 102, \$2,200; RLWD Ditch 1, Lateral C, RLWD Project No. 115, \$1,500; Kenneth Johnson Petition, RLWD Project No. 117, \$2,000; Polk County Ditch Improvement, RLWD Project No. 119, \$5,000; Challenger Ditch, RLWD Project No. 122, \$500; Scott Baatz Petition, RLWD Project No. 123, \$1,000; Polk County Ditch 63, RLWD Project No. 134, \$5,000; Polk County Ditch 33, RLWD Project No. 135, \$5,000; RLWD Ditch No. 10, RLWD Project No. 161, \$5,000; RLWD Ditch No. 12, RLWD Project No. 169, \$7,500; RLWD Ditch No. 14, RLWD Project No. 171, \$5,000; Motion carried.

The Board reviewed a Resolution to Extend the Red Lake Watershed District Watershed Management Plan. Administrator Jesme stated that the District's 10-Year Plan expired in 2018. The District is required to revise their Watershed Management Plan at least once every ten years. Jesme stated, that with the District currently working on the One Watershed One Plan (1W1P) process for an individual subwatershed, the District can extend the current 10-Year Plan until 2025. Motion by Dwight, seconded by Tiedemann, to approve a Resolution to Extend the Red Lake Watershed District Watershed Management Plan until December 31, 2025. Motion carried.

The Board reviewed a Deficiency Resolution for the establishment of the Thief River Falls West Side Flood Damage Reduction Project, RLWD Project No. 178. The Deficiency Resolution would assure the District complies with statutory requirements in the event the District has to bond for this project. Motion by Tiedemann, seconded by Ose, to authorize President Nelson and Secretary Ose, to sign the Deficiency Resolution for the Thief River Falls West Side Flood Damage Reduction Project, RLWD Project No. 178. Motion carried.

The Board reviewed a Reimbursement Resolution for the establishment of the Thief River Falls West Side Flood Damage Reduction Project, RLWD Project No. 178. The Reimbursement Resolution insures that if the District forwards funds to assist in paying for the project, the District would be assured they will be reimbursed for all costs incurred to the project. Motion by Dwight, seconded by Ose, to authorize President Nelson and Secretary Ose, to sign the Reimbursement Resolution for the Thief River Falls West Side Flood Damage Reduction Project, RLWD Project No. 178. Motion carried.

Dillon Nelson, HDR Engineering, Inc. reviewed three soil boring bids received for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Soil borings will be needed to complete the final design of the project. It was noted that the apparent low bid was from Northern Technologies. Motion by Sorenson, seconded by Torgerson, to approve the low bid in the amount of \$7,150, from Northern Technologies. Motion carried.

Administrator Jesme stated that Larson Helicopter completed aerial spraying of 2,374 acres of cattails for the Agassiz NWR-Wetland Habitat Quality and Management Enhancement Grant, RLWD Project No. 180A. The Board reviewed the Scope of Work for repairs to the Thief Bay Water Control Structure. Motion by Tiedemann, seconded by Ose, to approve the Scope of

Work for repairs to the Thief Bay Water Control Structure, Agassiz NWR Wetland Habitat Quality and Management Enhance Grant, RLWD Project No. 180A. Motion carried.

RRWMB Executive Director, Rob Sip and Lobbyist, Lisa Frenette, appeared before the Board to discuss the legislative process and priorities for the RRWMB during the next legislative season. Sip discussed the RRWMB Strategic Plan, funding of FDR Projects and cost share policies. The RRWMB approved the 2019 Budget, which is approximately 9% less from the previous years budget. Sip stated that the RRWMB will continue to focus on reducing costs. Frenette stated that in the future she will do less project focus, and more emphasis on legislative issues. Discussion was held on how the duties of Ron Harnack were split between Sip and Frenette. Sip reaffirmed the levy reduction process, review and approval of the Internal Control document, development of a legislative committee, banking request for proposals and potential timeline for moving into their new office. Discussion was held on the Sand Hill River Watershed District leaving the RRWMB. Manager Dwight stated that he would like to see a legislative report similar to what Ron Harnack prepared. Discussion was held on the structure of the Drainage Work Group with all the new staff in place.

Administrator Jesme stated that due to the dry weather conditions, replacement of the structure at the Little Pine Lake WMA, RLWD Project No. 26A, has been going very well.

Administrator Jesme stated that the Final Engineers Report for RLWD Ditch 16, RLWD Project No. 177 is nearly complete. Viewers are working on the Viewers Report, with anticipated construction planned for next spring.

Administrator Jesme discussed a resolution the District needs to draft as it relates to the enforcement of the Buffer Law Implementation. Jesme reviewed Section 6.3 and 6.4 that pertains to violations, repeat offenders and fines/fees. Jesme asked the Board to review the document included in the Board packet, with further discussion at a future Board meeting.

Administrator Jesme stated that the East Polk SWCD is working on grant applications for the Clearwater River Watershed and Cameron Lake for the installation of sediment basins and potential of shoreline restoration projects. Modeling has been completed that shows the areas that have the highest sediment yields. Several lakes are impaired, others that are nearly impaired, and some that are nearly restored. Cameron Lake is currently impaired. The grant application requires a 25% match, which needs to be identified in the application. The grant application is due August 31, 2018. Motion by Sorenson, seconded by Tiedemann, to approve the submittal of Clean Water Fund Grant application from the East Polk WCD for the Clearwater River Watershed and that the District will be identified for the 25% match, with funds from the District's Water Quality Project, RLWD Project No. 46. Motion carried.

The Board reviewed the permits for approval. Motion by Torgerson, seconded by Ose, to approve the following permits with conditions stated on the permit: No. 18071, Earl Pederson, Badger Township, Polk Count; No. 18084, Wade Hruby, Cloverleaf Township, Pennington County; No. 18085, Pennington County Highway Department, Smiley Township, Pennington County; No. 18086, Lee Farms Partnership, LLC, Badger Township, Polk County; No. 18087,

Jarod Peterson, Keystone Township, Polk County; No. 18088, Minnesota Department of Transportation, Grove Park Township, Polk County; No. 18089, Brian Stanley, Lee Township, Beltrami County; No. 18090, Digi-Key Corporation, North Township, Pennington County; and No. 18091, Steven Rosten, Garnes Township, Red Lake County. Motion carried.

Administrator Jesme stated that a Flu Shot Clinic will be held at the District on September 27, 2018, prior to the start of the Board meeting.

Administrators Update:

- Jesme and Managers Ose, Sorenson, and Page attended the August 21, 2018 RRWMB meeting held at the District office. The meeting was followed by tours of a project in the Middle Snake Tamarac Watershed District and two RLWD projects, the Black River Impoundment and the Thief River Falls West Side FDR Project. Included in the packet was the RRWMB Newsletter dated July 25, 2018 and the August 21, 2018 meeting highlights.
- A Red Lake River 1W1P Policy Committee meeting was held on August 15, 2018 to discuss among other things a SWI Cost Share Policy, other Clean Water Fund Grants, NACD Grant/Job Description, 319 Grant, and PTMApp Grant update.
- Included in the packet was an editorial that was published in the Northern Watch regarding the Black River Impoundment. This is the same letter that was referenced at the public hearing held on August 9<sup>th</sup>.
- Due to the RRWMB meeting and unforeseen circumstances Jesme did not attend the Beltrami County Commissioner's meeting to present the 2017 Annual Report. Meetings will be scheduled with the Beltrami County and Marshall County Commissioners.

Manager Torgerson inquired on the letter sent to Clearwater County and Dudley Township, regarding the lowering of the outlet culvert on Judicial Ditch No. 5, RLWD Project No. 102. Discussion will be held at the September 13, 2018 meeting.

Manager Nelson stated that Pennington County will take enforcement of buffers adjacent to public ditches under their jurisdiction. The SWCD's role is to identify if landowners are or are not in compliance, and possible development of alternative practices. The SWCD offices are supposed to notify the ditch authority if someone is not in compliance and it is up to the ditch authority to ensure there is compliance.

Discussion was held on well interference in groundwater wells in the Crookston/Erskine area.

Motion by Torgerson, seconded by Ose, to adjourn the meeting. Motion carried.

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LeRoy Ose, Secretary

**RED LAKE WATERSHED DISTRICT**  
**Financial Report for September 12, 2018**

<b>Ck#</b>	<b>Check Issued to:</b>	<b>Description</b>	<b>Amount</b>
online	EFTPS	Withholding for FICA, Medicare, and Federal taxes	\$ 3,685.83
online	MN Department of Revenue	Withholding taxes	677.83
online	Public Employees Retirement Assn.	PERA	2,464.72
online	EFTPS	Withholding for payroll taxes	160.66
36019	Unity Bank North	Purchase 12 month CD @ 2.05% APY 2.07%	200,000.00
36020	City of Thief River Falls	Electricity, water, sewer, etc.	852.80
36021	Les's Sanitation	Garbage pickup	33.70
36022	Sjoberg's Cable TV	Internet expense	96.95
36023	Ace Hardware	Wet and dry mops and hand sanitizer	33.97
36024	Matthew Audette	Mow lawn and trim in August	130.00
36025	Tammy Audette	Clean offices in August and mow lawn and trim in Sept.	445.00
36026	Blue Sky Blading	Mow Moose River Impoundment dike	4,500.00
36027	Centurylink	Telephone expense	274.79
36028	Les Cota	Mow ditches for Proj. 171, Penn. Ditch 1	190.00
36029	Crookston Times Printing	2019 General Fund Budget hearing ad	251.00
36030	Erskine Echo	2019 General Fund Budget hearing ad	54.50
36031	Farmers Publishing Company	2019 General Fund Budget hearing ad	83.12
36032	Farmers Union Oil Company	Gas for vehicles	818.43
36033	Garden Valley Technologies	Telephone maintenance	125.25
36034	Jody Gudvangen	Remove 2 beaver from BR6 Imp., RLWD Proj. 43A	150.00
36035	AP Media (Grand Rapids Herald)	2019 General Fund Budget hearing ad	207.58
36036	Holthusen Construction Company	Remove beaver dam-Moose River Impoundment	220.00
36037	Houston Engineering, Inc.	* see below for breakout	27,493.75
36038	Hugo's	Various meetings' supplies, office maintenance supplies	289.68
36039	Larson Helicopters, LLC	Spraying of cattails at Agassiz, per grant contract	99,114.50
36040	Marco	Monthly managed IT services and copier maintenance	1,800.05
36041	Marshal County Highway Dept.	Culverts,bands,apron & gates for St. Dt. 83	1,592.65
36042	MCI	Long distance telephone expense	55.28
36043	MN Energy Resources Corp	Heating expense	21.20
36044	NCPERS	Life insurance premium	128.00
36045	Northdale Oil Inc.	Car washes for vehicles	106.66
36046	Arlene Novak	Wellness supplies-grill utensils	3.49
36047	Northwest Beverage, Inc.	H2O for office	22.50
36048	The Pioneer	2019 General Fund Budget hearing ad	200.40
36049	Polk County	2018 Fair Booth rent	78.57
36050	Richards Publishing Co.	2019 General Fund Budget hearing ad (4 newspapers)	496.00
36051	Rinke Noonan	Legal services retainer	200.00
36052	Landman Publishing, LLC(RLF Gazet	2019 General Fund Budget hearing ad	165.60
36053	RMB Environmental Laboratories	Lab analysis of water quality samples	1,136.00
36054	Roseau Times-Region Inc.	2019 General Fund Budget hearing ad	244.80
36055	Gerald Rychlock	Read and observe Moose River pools	180.00
36056	Speedee Delivery	Delivery charge for water quality samples	9.50
36057	TD Ameritrade Trust Company	Deferred compensation	692.63
36058	Thirteen Towns	2019 General Fund Budget hearing ad	134.86
36059	Gene Tiedemann	Mileage	416.36
36060	TRF Hardware	Roundup grass killer	18.99
36061	Thief River Falls Times	2019 General Fund Budget hearing ad and 1500 envelopes	211.51
36062	Warren Sheaf	2019 General Fund Budget hearing ad	126.00

online	Blue Cross Blue Shield	Health insurance premium	554.50
online	Aflac	Staff paid insurances	613.46
direct	Brian Dwight	Mileage	369.51
direct	Terry Sorenson	Mileage	163.48
	<b>Payroll</b>		
	Check #11482 -11500		<u>23,746.24</u>
	<b>Total Checks</b>		<b>\$ 375,842.30</b>

**\*Houston Engineering, Inc.**

Proj. 149A TR 1W1P	9,067.00
Proj. 149AA PTMapp	347.75
Proj. 176 Black River Impoundment	<u>18,079.00</u>
<b>TOTAL</b>	<b>27,493.75</b>

**Financial Institutions:**

**Northern State Bank**

Balance as of August 22, 2018	\$ 778,836.04
Total Checks Written	(375,842.30)
Receipt #016590 State of Minnesota-Partial Pay request #44-WQ Grant	3,062.50
Receipt #016591 State of Minnesota-Partial Pay request #44-WQ Grant	595.00
Receipt #016592 Northern State Bank-Monthly interest	349.80
Receipt #016596 Transfer out to American Federal Bank-Fosston	(200,000.00)
Receipt #016599 CDARS-Interest on invested CDS	<u>2,048.32</u>
Balance as of September 12, 2018	<b><u>\$ 209,049.36</u></b>

**Border State Bank**

Balance as of August 22, 2018	\$ 18,170.10
Receipt #016595 Monthly interest	<u>4.63</u>
Balance as of August 31, 2018	<b><u>\$ 18,174.73</u></b>

**American Federal Bank-Fosston**

Balance as of August 22, 2018	\$ 1,385,446.98
Receipt #016589 Pennington SWCD-SWI Grant reimbursement	4,592.25
Receipt #016593 American Federal Bank-Monthly interest	1,614.49
Receipt #016594 American Federal Bank-Interest on CD #7710 added to CD (\$364.89)	-
Receipt #016596 Transfer in from Northern State Bank	200,000.00
Receipt #016597 Red Lake County-Delinquent special assessments	1,524.69
Receipt #016598 Citizens State Bank-Roseau-Matured CD	200,000.00
Receipt #016600 Citizens State Bank-Roseau-Interest from matured CD	1,058.63
Receipt #414401 Beltrami County-Payment in lieu of taxes	<u>232.38</u>
Balance as of September 12, 2018	<b><u>\$ 1,794,469.42</u></b>



**STATE OF MINNESOTA GENERAL OBLIGATION BOND FUNDED FLOOD HAZARD MITIGATION  
GRANT CONTRACT WITH THE RED LAKE WATERSHED DISTRICT FOR THE THIEF RIVER  
FALLS WESTSIDE FLOOD DAMAGE REDUCTION PROJECT**

This grant contract is between the State of Minnesota, acting through its Commissioner of Natural Resources, ("State") and the Red Lake Watershed District, 1000 Pennington Avenue South, Thief River Falls, Minnesota, 56701("Grantee").

**Recitals**

1. Under Minnesota Statutes, Section 103F.161, Subdivision 1, the State is empowered to enter into this grant agreement.
2. The State agrees that reducing flood damage in the Thief River Falls area is in the interest of the State.
3. The Grantee represents that it is duly qualified and agrees to perform all services described in this grant contract to the satisfaction of the State. Pursuant to Minnesota Statutes §16B.98 Subdivision 1, the Grantee agrees to minimize administrative costs as a condition of this grant contract.
4. The Grantee attests it has the financial capacity to provide any required local match for the project or phase funded under the terms of this grant contract, and agrees to complete the project or phase if the cost of the project or phase exceeds the amount of state funding and required local match.
5. The monies allocated to fund the grant to the Grantee are proceeds of state general obligation (G.O.) bonds authorized to be issued under Article XI, § 5(a) of the Minnesota Constitution; and
6. The Grantee's receipt and use of the G.O. Grant to acquire an ownership interest in and/or improve real property (the "Real Property") and, if applicable, structures situated thereon (the "Facility") will cause the Public Entity's ownership interest in all of such real property and structures to become "state bond financed property", as such term is used in Minn. Stat. § 16A.695 (the "G.O. Compliance Legislation") and in that certain "Fourth Order Amending Order of the Commissioner of Finance Relating to Use and Sale of State Bond Financed Property" executed by the Commissioner of Minnesota Management and Budget and dated July 30, 2012, as amended (the "Commissioner's Order"), even though such funds may only be a portion of the funds being used to acquire such ownership interest and/or improve such real property and structures and that such funds may be used to only acquire such ownership interest and/or improve a part of such real property and structures.

**Grant Contract**

**1 Term of Grant Contract**

- 1.1 **Effective date:** September 12, 2018, or the date the State obtains all required signatures under Minnesota Statutes §16B.98, Subd. 5, whichever is later. Per Minn.Stat. §16B.98 Subd. 7, no payments will be made to the Grantee until this grant contract is fully executed. **The Grantee must not begin work under this grant contract until this contract is fully executed and the Grantee has been notified by the State's Authorized Representative to begin the work.**
- 1.2 **Expiration date:** June 30, 2020, or until all obligations have been satisfactorily fulfilled, whichever occurs first.
- 1.3 **Survival of Terms.** The following clauses survive the expiration or cancellation of this grant contract: 8. Liability; 9. State Audits; 10. Government Data Practices and Intellectual Property; 13. Publicity and Endorsement; 14. Governing Law, Jurisdiction, and Venue; and 16. Data Disclosure.

**2 Grantee's Duties**

The Grantee, who is not a state employee, will be responsible for:  
Engineering, design, right-of-way acquisition and construction of an approximately 7.5 mile diversion of Pennington County Ditch #70 from US Highway 59 to State Highway 32 as described in Grantee's February 14, 2018 application for Flood Damage Reduction Grant Assistance and the South Alternative in HDR Engineering's *Flood Damage Reduction Analysis Report – Thief River Falls Westside Flood Damage*

*Reduction Project* dated July 28, 2017. Grantee agrees that land acquired or bettered under this agreement shall be used only for public purposes compatible with flood management, open space, recreational, or wetlands management.

All project expenses not identified as being related to work outlined above, or as subsequently amended in this agreement, must be approved by the State in writing prior to the Grantee incurring said expense.

### 3 Time

The Grantee must comply with all the time requirements described in this grant contract. In the performance of this grant contract, time is of the essence.

### 4 Consideration and Payment

4.1 *Consideration.* The State will reimburse for all eligible services performed by the Grantee under this grant contract as follows:

- (a) *Compensation.* The Grantee will be reimbursed 50% for eligible project expenses, not to exceed \$1,500,000.00. Grantee must provide a match equal to the State's contribution.
- (b) *Travel Expenses.* Reimbursement for eligible project-related travel and subsistence expenses actually and necessarily incurred by the Grantee as a result of this grant contract will be reimbursed in the same manner and in no greater amount than provided in the current "Commissioner's Plan" promulgated by the Commissioner of Minnesota Management and Budget (MMB). The Grantee will not be reimbursed for travel and subsistence expenses incurred outside Minnesota unless it has received the State's prior written approval for out of state travel. Minnesota will be considered the home state for determining whether travel is out of state.
- (c) *Eligible Expenses.* Eligible expenses are those costs directly incurred by the Grantee that are solely related to and necessary for producing the work products described in Provision 2 of this Agreement. Eligible costs may include the following:

advertising costs for bids and proposals; capital expenditures for facilities, equipment and other capital assets as expressly approved by the State; materials and supplies; architectural and engineering services; construction management and inspection services; surveys and soil borings; attorney fees solely related and necessary to accomplish the Project, as determined by the State and actual construction of the Project.

Certain other types of costs may be eligible provided that they are (1) directly incurred by the Grantee; (2) are solely related to, and necessary for, producing the work products described in Provision 2; and (3) have prior written approval of the State. Any cost not defined as an eligible cost or not included in the Project Plan shall not be paid from State funds committed to the Project.

- (d) *Ineligible Expenses.* Non-eligible costs for reimbursement means all costs not defined as eligible costs, including but not limited to the following:

Any costs incurred before the effective date of this Grant; fund raising; taxes, except sales tax on goods and services; insurance, except title insurance; attorney fees not necessary to accomplish the project; loans, grants, or subsidies to persons or entities for development; financing; bad debts or contingency funds; interest; operation and maintenance costs; options for acquisition of real estate; lobbyists; and political contributions.

#### 4.2. Payment

*Invoices.* To obtain reimbursement for eligible costs under this Grant, the Grantee shall provide the State with invoices and evidence that the portion of the Project for which payment is requested has been satisfactorily completed. All invoices shall be sent to the person designated in Section 6. Grantee shall submit invoices and evidence that the required contribution toward any required local match are being met.

Invoices will be submitted for the amount and should differentiate, when applicable, between the Federal and Non-Federal Project costs, as well as the State and local share of the Project costs. Invoices must be

received by the State within thirty (30) days after the completion of the Project or the expiration of this Grant as set forth in Section 1.2, whichever occurs first. Invoices received after that date may not be eligible for reimbursement, at the State's discretion. The State's authorized agent has final authority for acceptance of Grantee's services, determination as to whether the expenditures are eligible for reimbursement under this Grant, and verification of the total amount requested. The Grantee shall not receive payment for work found by the State to be unsatisfactory, or performed in violation of federal, state or local law, ordinance, rule or regulation. At its discretion, the State may retain 10% of the total grant award until the State has determined that the Grantee has satisfactorily fulfilled all of the terms of this Grant. If requested by the State, the Grantee shall arrange for a tour of the Project area prior to release of the final ten (10) percent of the funds. Invoices must be submitted timely and according to the following schedule:

It is required that invoices be submitted, at a minimum, at the close of each state fiscal year which is July 1 – June 30. If expenses are extensive, reimbursement requests may be submitted monthly or quarterly. Please itemize the eligible expenses by the month of occurrence, not liquidation. If invoices are not received in this format, it could delay receipt of payment.

#### **5 Conditions of Payment**

All services provided by the Grantee under this grant contract must be performed to the State's satisfaction, as determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law.

#### **6 Authorized Representative**

The State's Authorized Representative is Patrick Lynch, Floodplain Hydrologist, Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota, 55155, 651-259-5691, [pat.lynch@state.mn.us](mailto:pat.lynch@state.mn.us), or his/her successor, and has the responsibility to monitor the Grantee's performance and the authority to accept or reject the services provided under this grant contract. If the services are satisfactory, the State's Authorized Representative will certify acceptance on each invoice submitted for payment.

The Grantee's Authorized Representative is Myron Jesme, Administrator, Red Lake Watershed District, 1000 Pennington Avenue South, Thief River Falls, Minnesota 56701, 218-681-5800, [myron.jesme@redlakewatershed.org](mailto:myron.jesme@redlakewatershed.org). If the Grantee's Authorized Representative changes at any time during this grant contract, the Grantee must immediately notify the State.

#### **7 Assignment, Amendments, Waiver, and Grant Contract Complete**

- 7.1 **Assignment.** The Grantee shall neither assign nor transfer any rights or obligations under this grant contract without the prior written consent of the State, approved by the same parties who executed and approved this grant contract, or their successors in office.
- 7.2 **Amendments.** Any amendments to this grant contract must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original grant contract, or their successors in office.
- 7.3 **Waiver.** If the State fails to enforce any provision of this grant contract, that failure does not waive the provision or the State's right to enforce it.
- 7.4 **Grant Contract Complete.** This grant contract contains all negotiations and agreements between the State and the Grantee. No other understanding regarding this grant contract, whether written or oral, may be used to bind either party.

**8 Liability**

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this grant contract by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this grant contract.

**9 State Audits**

Under Minn. Stat. §16B.98, Subd.8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this grant agreement or transaction are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this grant agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later.

**10 Government Data Practices**

The Grantee and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this grant contract, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this grant contract. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State. If the Grantee receives a request to release the data referred to in this Clause, the Grantee must immediately notify the State. The State will give the Grantee instructions concerning the release of the data to the requesting party before the data is released. The Grantee's response to the request shall comply with applicable law.

**11 Prevailing Wages**

Grantee agrees to comply with all of the applicable provisions contained in Chapter 177 of the Minnesota Statutes, and specifically those provisions contained in Minn. Stat. §§ 177.41 through 177.435, as they may be amended, modified or replaced from time to time with respect to the Project.

**12 Workers' Compensation**

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

**13 Publicity and Endorsement**

13.1 *Acknowledgments.* The Grantee agrees to acknowledge the State's financial support for the Project. Any statement, press release, bid, solicitation, or other document issued describing the Project shall provide information reflecting that State funds were used to support the Project and will contain the following language:

*This Project is made possible in part by a grant provided by the Minnesota Department of Natural Resources, through an appropriation by the Minnesota State Legislature.*

Any site developed or improved by the Project shall display a sign, in a form approved by the State, stating the same information.

13.2 *Endorsement.* The Grantee must not claim that the State endorses its products or services.

**14 Governing Law, Jurisdiction, and Venue**

Minnesota law, without regard to its choice-of-law provisions, governs this grant contract. Venue for all legal

proceedings out of this grant contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

## 15 Termination

15.1 *Termination by the State.* The State may immediately terminate this grant contract with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

15.2 *Termination for Cause.* The State may immediately terminate this grant contract if the State finds that there has been a failure to comply with the provisions of this grant contract, that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

## 16 Data Disclosure

Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.

## 17 Preservation of Tax Exempt Status

In order to preserve the tax-exempt status of the G.O. Bonds, the Grantee agrees as follows:

A. It will not use the Real Property or, if applicable, Facility, or use or invest the G.O. Grant or any other sums treated as "bond proceeds" under Section 148 of the Code including "investment proceeds," "invested sinking funds," and "replacement proceeds," in such a manner as to cause the G.O. Bonds to be classified as "arbitrage bonds" under Section 148 of the Code.

B. It will, upon written request, provide the Commissioner of MMB all information required to satisfy the informational requirements set forth in the Code including, but not limited to, Sections 103 and 148 thereof, with respect to the G.O. Bonds.

C. It will, upon the occurrence of any act or omission by the Grantee or any Counterparty that could cause the interest on the G.O. Bonds to no longer be tax exempt and upon direction from the Commissioner of MMB, take such actions and furnish such documents as the Commissioner of MMB determines to be necessary to ensure that the interest to be paid on the G.O. Bonds is exempt from federal taxation, which such action may include either: (i) compliance with proceedings intended to classify the G.O. Bonds as a "qualified bond" within the meaning of Section 141(e) of the Code, (ii) changing the nature or terms of the Use Contract so that it complies with Revenue Procedure 97-13, 1997-1 CB 632, or (iii) changing the nature of the use of the Real Property or, if applicable, Facility so that none of the net proceeds of the G.O. Bonds will be used, directly or indirectly, in an "unrelated trade or business" or for any "private business use" (within the meaning of Sections 141(b) and 145(a) of the Code), or (iv) compliance with other Code provisions, regulations, or revenue procedures which amend or supersede the foregoing.

D. It will not otherwise use any of the G.O. Grant, including earnings thereon, if any, or take or permit to or cause to be taken any action that would adversely affect the exemption from federal income taxation of the interest on the G.O. Bonds, nor omit to take any action necessary to maintain such tax exempt status, and if it should take, permit, omit to take, or cause to be taken, as appropriate, any such action, it shall take all lawful actions necessary to rescind or correct such actions or omissions promptly upon having knowledge thereof.

**18 Use of State Bond- Financed Property, Deed Restrictions, and Real Estate Declarations**

"State bond- financed property" means property acquired or bettered in whole or in part with the proceeds of state general obligation bonds authorized to be issued under article XI, section 5, clause (a), of the Minnesota Constitution. Use of State bond- financed property must be operated in compliance with the provisions of Minnesota Statutes chapter 16A.695, all state and federal laws, and in a manner that will not cause the interest on the state general obligation bonds to be or become subject to federal income taxation for any reason.

Upon acquisition or betterment of any land and or structures using these grant funds, Grantee shall record permanent deed restrictions requiring any new or future public structures on the parcels to be in strict conformance with adopted floodplain and shoreland standards.

**Grantee shall record a declaration for real estate rights acquired or property bettered under this Agreement. The declaration must acknowledge the property rights or betterments were acquired in whole or in part with State general obligation bond funds and subject to the encumbrance created and requirements imposed by Minnesota Stat. Sec. 16A. Grantee shall submit a copy of the recorded real estate declaration for real estate acquired or bettered under this Grant to the State's Authorized Agent using the form in Attachment A of this Grant or on an alternative form pre- approved by the State.**

**Proof of recordation of the deed restrictions and declaration for each property acquired or bettered under the terms of this Agreement must be submitted to the State's authorized agent within 60 days of acquisition or betterment, and before final payment is made by the State to the Grantee.**

**19 Invasive Species**

The DNR requires active steps to prevent or limit the introduction, establishment, and spread of invasive species during contracted work. The contractor shall take measures to prevent invasive species from entering into or spreading within a project site by cleaning equipment prior to arriving at the project site. If the equipment, vehicles, gear, or clothing arrives at the project site with soil, aggregate material, mulch, vegetation (including seeds) or animals, it shall be cleaned by contractor furnished tool or equipment (brush/broom, compressed air or pressure washer) at the staging area. The contractor shall dispose of material cleaned from equipment and clothing at a location determined by the DNR Contract Administrator. If the material cannot be disposed of onsite, secure material prior to transport (sealed container, covered truck, or wrap with tarp) and legally dispose of offsite.

**20 Jobs Reporting**

Pursuant to Minnesota Statutes 16A.633, subd. 4, the Grantee shall collect, maintain and, upon completion of the project, provide the information to the State on forms provided by the State. The information must include the number and types of jobs created by the project, whether the jobs are new or retained, where the jobs are located, and pay ranges of the jobs.

**21 Construction Contract Language on Jobs Reporting**

The Contractor is hereby advised that this Project is funded all or in part by state bond funds and subject to the reporting requirements of Minnesota Statute 16A.633, Subdivision 4 (MN Laws of 2012 Chapter 293, Section 28).

**22 Permits, Approvals and Environmental Review**

This grant does not constitute State approval of the project or phase funded under this agreement, and neither negates nor precludes any mandatory environmental review or permitting requirements that may apply to the project or phase. Grantee may not commence construction until all necessary permits and approvals have been obtained and the requirements of Minnesota Rules, Chapter 4410 have been satisfied.

**1. STATE ENCUMBRANCE VERIFICATION**

*Individual certifies that funds have been encumbered as required by Minn. Stat. §§16A.15 and 16C.05.*

Signed: Felicia Barnes

Date: 9/6/2018

SWIFT Contract/PO No(s), 147353/3000140608

**3. STATE AGENCY**

*Individual certifies the applicable provisions of Minn. Stat. §16C.08, subdivisions 2 and 3 are reaffirmed.*

By: Kent Lakkamo  
(with delegated authority)

Title: DIRECTOR

Date: 9-7-18

**2. GRANTEE**

The Grantee certifies that the appropriate person(s) have executed the grant contract on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

By: Murray James

Title: ADMINISTRATOR

Date: 9/7/2018

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Distribution:  
Agency  
Grantee  
State's Authorized Representative - Photo Copy



September 13, 2018

Mr. Myron Jesme, Administrator  
Red Lake Watershed District  
1000 Pennington Avenue South  
Thief River Falls, MN 56701

<delivered via email>

**RE: Proposal – Thief River Falls Westside Flood Damage Reduction Project – Task Order #2 – Final Engineering**

Dear Mr. Jesme,

In response to your request for engineering services for the Thief River Falls Westside Flood Damage Reduction Project, HDR Engineering, Inc. (HDR) is pleased to provide the following proposal for Task Order #2 – Final Engineering. Future project tasks and services required to successfully complete the flood damage reduction and transportation project will be identified separately as they arise, under additional task orders.

We look forward to the opportunity to work with you on this project. If you have any questions regarding the attached scope of services, please contact me at (218) 681-6100.

Sincerely,

**HDR Engineering, Inc.**

Nathan Dalager, P.E.  
*Project Manager*

Craig R. Lenning, P.E.  
*Senior Vice President*

Encl: Proposal, Task Order #2  
HDR Engineering, Inc. Terms and Conditions for Professional Services  
Budget Spreadsheet





## Project Understanding and Scope of Services

HDR understands that the Red Lake Watershed District (RLWD) is interested in developing a Flood Damage Reduction project of significance, as the RLWD works towards resolving chronic flood problems in the region. This scope of work includes tasks and deliverables deemed necessary to complete the final engineering stage of the project. These tasks include the following:

1. Assistance with the Development of a Project Funding Package & Partner Coordination
2. Final Design Analyses of FDR Project Components
3. Final Design Analyses of City of Thief River Falls Project Components
4. Permitting & Environmental Review
5. Detailed Plans & Specifications
6. Final Engineer's Report

## Proposed Action Description

The proposed Thief River Falls Westside Flood Damage Reduction Project consists of diverting Pennington County Ditch 70, culvert upsizing, ditch grade lowering, increasing ditch cross-section capacity, urbanization along the existing alignment, and utility relocations. The Project has advanced past the preliminary engineering phase, and has reached a point where final engineering is required to reach the goal of constructing this important flood damage reduction project. The Red Lake Watershed District Board of Managers has selected the South Alignment as the preferred alternative and has directed HDR to develop a full set of plans and specifications. The plans are necessary for continuing the next steps related to funding, permitting, and other legally required processes. The plans are meant to provide final design of each component which will lead to bidding of the project for construction.

## Proposed Project Team

The project team will consist of HDR staff that has experience in developing engineering and environmental documentation in addition to well established relationships with agency experts that will likely be involved in this process. The team may consist of the following staff:

Role	Staff
Client/Project Manager	Nate Dalager, PE
Water Resources Engineers	Matt Peterson, PE Glen Krogman, PE Dillon Nelson, EIT Jacob Huwe, EIT Anthony Ryan, EIT
Design Technician	Randy Knott
CAD	Anita Sanne
Environmental Lead	Kelly Garvey
Structural Engineer	Jesse Freeberg, PE
Geotechnical Engineers	Steve Olson, PE Kerrie Berg
GIS	Jenn Walter

Role	Staff
QA/QC	Matthew Redington, PE Brandon Hilbrich, PE

## Scope of Services

### 1.0 Project Management & Coordination Meetings

This task consists of the overall management of the project, project communication, coordination of conferences/meetings, and contacting of funding partners.

- 1.1 **Project Management.** Monitor and control the Project budget, scope of work, and schedule; management of the Project goals and objectives; management and coordination of resources including staff scheduling and invoicing.
- 1.2 **Hearings and Meetings.** Schedule, review, prepare, participate, and help conduct meetings as well as public hearings. Significant collaboration will occur with Red Lake Watershed District (RLWD), Pennington County, and the City of Thief River Falls staff and Board members. Other agency stakeholders likely to be involved include MnDOT.
- 1.3 **Coordinate with Funding Partners.** HDR will provide assistance in coordinating with funding partners such as the RRWMB, MnDNR-FDR Grant Program, MnDOT, and the development of a database and funding approach for a Water Management District.

#### DELIVERABLES:

- Monthly invoices and coordination with RLWD Administrator.
- Facilitate up to two Project partner meetings.
- Facilitate up to two funding partner meetings.
- Attendance at RLWD Board meetings, presentations, and updates to the Board.
- Attendance at up to two landowner meetings.
- Facilitate/Attend up to two public hearings.
- Provide data for RLWD to implement a Water Management District.

#### ASSUMPTIONS:

- Duration of the task is ~10 months.
- A total of twenty RLWD Board meetings are anticipated.
- A public hearing will be attended by 1 or 2 HDR staff persons and information pertinent to the meeting will be provided to the RLWD.
- All meetings will be held in Northwest Minnesota and attended by 1 or 2 HDR staff persons.

### 2.0 Final Design Analyses of FDR Project Components

This task includes final design analyses of the preferred alternative. Final design will build upon the work completed in previous task orders relating to concept development, hydraulic modeling, and preliminary design. The following steps will be included:

- 2.1 **Alternatives Evaluation, Phasing Plan, and Right-of-Way.** Evaluate the preferred alternative to finalize alignments and profiles for right-of-way acquisition and permitting tasks. Right-of-way acquisition drawings and descriptions will be provided. Legal survey to be performed by a third party.

- 2.2 **Survey.** The preferred alternative will require additional field survey for final design and to finalize construction quantities. Survey will include two days for up to four miles of Project alignments and two days for approaches, structures, and other miscellaneous Project features. Legal survey will be performed by others.
- 2.3 **Hydraulic/Hydrologic Design.** Perform final modeling of the preferred alternative for the 24-hour, 100-year and 10-year precipitation events. Events greater than the 100-year will not be evaluated. XP-SWMM, HEC-RAS, and HEC-HMS models developed during previous phases of work will be used in the development of the final models.
- 2.4 **Hydraulic Structure Design.** Perform final structure design, including sizing/selection of hydraulic structures required for the preferred alternative and determined by the final hydrologic and hydraulic models. The anticipated structures include up to 70 field/road crossings and side water inlets. Earthen relief spillways adjacent to the ditch will be included in the channel and spoil design profile.
- 2.5 **Soil Borings.** HDR will determine where soil borings are required for the preferred alternative, coordinate the solicitation of bids, scheduling, and facilitating the completion of the borings by a third party. HDR will review the geotechnical report that will be delivered by a third party and implement the findings in the design.
- 2.6 **Outlet Design.** Perform outlet design for the preferred alternative. The design will include incorporating multiple rock structures and two-stage channel design. Geotechnical borings by others will be required.
- 2.7 **Road and Access Design.** Perform final design for up to 30 road crossings and accesses which will maintain ingress and egress for local landowners. Access and traffic control during construction will be evaluated.
- 2.8 **Utilities Design.** Provide design of new utilities for the Project and existing utilities that are impacted by the Project. A one-call will be conducted for the entire Project footprint.
- 2.9 **Erosion Control Design.** Provide SWPPP and erosion control designs that meet MPCA requirements. Includes riprap design and other erosion control considerations for areas of potentially erosive flows.

**DELIVERABLES:**

- Deliverables for the 100% design of the preferred alternative are included with Tasks 5 and 6.
- Final hydraulic models.
- Additional field survey for final design of preferred alternative.
- Geotechnical boring locations and coordination with third party.

**ASSUMPTIONS:**

- Changes to the preferred alternative design due to permitting, environmental review, and right-of-way acquisition will be considered as additional services to this budget and scope of work.
- Soil borings and lab testing will be performed by a third party hired by RLWD. HDR will provide assistance and coordination.



## 3.0 Final Design Analyses of City of Thief River Falls Project Components

This task includes final design analyses of the storm sewer and natural resources enhancement (NRE) components of the Project. Final design will build upon the work completed in previous task orders relating to concept development, hydraulic modeling, and preliminary design. The following steps will be included:

- 3.1 **Alternatives Evaluation, Phasing Plan, and Right-of-Way.** Evaluate the proposed storm sewer alignment to finalize profiles for right-of-way acquisition and permitting tasks. Right-of-way acquisition drawings and descriptions will be provided. Legal survey to be performed by a third party.
- 3.2 **Survey.** The storm sewer and NRE components will require additional field survey for final design and to finalize construction quantities. Survey will include two days for up to two miles of Project alignments and one day for approaches, structures, and other miscellaneous Project features. Legal survey will be performed by others.
- 3.3 **Hydraulic/Hydrologic Design.** Perform final modeling of the storm sewer Project for the 24-hour, 100-year and 10-year precipitation events. XP-SWMM, HEC-RAS, and HEC-HMS models developed during previous phases of work will be used in the development of the final models.
- 3.4 **Storm Sewer Design.** Provide final design for an underground storm sewer system beginning at the intersection of State Highway 1 and Barzen Avenue and ending at the existing County Ditch 70 outlet at Oakland Park Road. The design will include the design of an underground storm sewer system and an above ground swale.
- 3.5 **Road and Access Design.** Perform final design for up to 20 road crossings and accesses which will maintain ingress and egress for local landowners along the storm sewer alignment. Access and traffic control during construction will be evaluated.
- 3.6 **Utilities Design.** Provide design of new utilities for the storm sewer Project and existing utilities that are impacted by the storm sewer Project. A one-call will be conducted for the entire storm sewer Project footprint.
- 3.7 **Water Quality Design.** Incorporate water quality aspects in coordination with the City such as check dams into the final design. These design aspects will focus on the discharge from the lagoons received by the Project.
- 3.8 **Erosion Control Design.** Provide SWPPP and erosion control designs that meet MPCA requirements.

### *DELIVERABLES:*

- Deliverables for the 100% design of the storm sewer Project are included with Tasks 5 and 6.
- Final storm sewer hydraulic models.
- Deliverables for the 100% design of NRE components included within the FDR and storm sewer Projects are included with Tasks 5 and 6.
- Additional field survey for final design of storm sewer and NRE components.



## 4.0 Permitting & Environmental Review

This task involves support activities which are necessary for coordination with permitting agencies.

- 4.1 **Wetland Delineation.** HDR will perform the wetland delineation as needed for the preferred alternative. HDR will provide support information such as the Project footprint and temporary working limits as it relates to potential wetland impacts.
- 4.2 **Preparation of Technical Data and Coordination.** HDR will provide technical data and assistance in the completion of permit applications pertaining to environmental review and permitting as requested by RLWD. Anticipated permit applications are a MnDNR Public Waters Permit, USACE 404 Wetlands Permit, Pennington County SWCD WCA Permit, and MPCA Stormwater Permit.

### *DELIVERABLES:*

- Wetland delineation.
- Provide completed permit applications to RLWD.

## 5.0 Detailed Plans & Specifications

This task involves the drafting of complete plans and specifications for construction of the Project. The plans will include components of the preferred South Alternative in detail. HDR will utilize the previous work completed for preliminary engineering designs and estimated quantities in AutoCAD Civil3D 2018.

- 5.1 **Site Plan.** A site plan will be produced within the limits of proposed construction. They will include existing and proposed main features, construction limits, alignment stationing, structures, benchmarks and GPS control points, section lines and numbers, utilities, and aerial imagery.
- 5.2 **Quantities & Construction Notes.** Estimated quantities will be tabulated for the preferred alternative and will be documented in the Engineer's Opinion of Probable Cost.
- 5.3 **SWPPP.** Required SWPPP will be included for the proposed Project.
- 5.4 **Typical Sections & Details.** Up to 10 typical sections will be provided including one for each alignment and unique design aspect. This includes the CD 70 diversion, re-grading along CSAH 7, County Road 62, State Highway 1, U.S. Highway 59, the proposed storm sewer, and outlet channel.
- 5.5 **Structure Details.** Details from final designs are to be shown for proposed structures in the Project. Some similar structures will have typical details that can be applied to multiple locations and critical design elevations and sizes will be clearly noted. Up to 10 individual typical details will be provided.
- 5.6 **Traffic Control Plan.** MnDot compliant traffic control plan will contain notes and guidelines regarding public safety during construction. Access to existing roads will be allowed to continue or detours will be provided.
- 5.7 **Plan & Profile Sheets.** Profiles will be provided for each Project alignment and will include existing and proposed grades, structures, notes, and utility information.
- 5.8 **Cross-Section Sheets.** Cross-sections will be provided for each Project alignment at 400 foot intervals.

- 5.9 **Specifications & Contract Documents.** Current MnDOT construction specifications and standards will be referenced and amended for the purposes of the Project. Based on the preferred alternative, items for construction will be noted and defined for pay quantities. Labor information, Equal Employment Opportunity provisions, and wage statements will also be included.

*DELIVERABLES:*

- One electronic (PDF) and two bound versions of the plans and specifications.

*ASSUMPTIONS:*

- One round of drafts will be reviewed by RLWD, MnDOT, or others.
- The plan set will have up to 150 sheets.
- The specifications will have up to 25 special provisions.
- The number of labor hours included in the budget and scope represent one set of plans and specifications based upon the preferred alternative with one round of edits as needed.
- Any additional rounds of edits resulting from the evolution of the Project and the resulting work to produce updated plans will be covered under a separate scope of services as needed.

## 6.0 Final Engineer's Report

This task involves documentation of the final design of the Project, including impact considerations and project implementation.

- 6.1 **Engineer's Report.** A comprehensive engineering report will be prepared for RLWD with one round of review for comment prior to publication. The report will be compliant with MN Statutes 103D.711 for engineer's reports for watershed projects, and HDR will deliver an Engineer's Report with information and results from Task 2 and Task 3 as well as recommendations.
- 6.2 **Engineer's Opinion of Probable Cost.** Provide an updated engineer's opinion of probable costs for the preferred alternative.

*DELIVERABLES:*

- One electronic (PDF) and two bound versions of the Engineer's Report.

*ASSUMPTIONS:*

- Changes to preferred alternative design due to permitting, environmental review, mitigation, land exchange, and NRE designs will be considered as additional services to this budget and scope.

## Cost Estimate

The design fee estimate for the completion of Tasks 1 through 6 is \$515,420, as outlined in the attached breakdown of tasks, hours, and expenses. This work will be performed on a time and materials not-to-exceed basis. HDR will invoice monthly based on work progress. Our estimated design costs are based upon our local experience and understanding of the scope of work and assumptions listed. Should the scope of work be modified, it may be necessary to review scope changes and our cost estimate.



## Future Task Orders – Engineering

The following tasks are anticipated for future phases of this project. *These tasks are not included in the price proposal provided herein*, and would be provided separately at such time as RLWD elects to initiate them.

- Construction Administration
- As-Built Plans

**Please indicate your acceptance of this proposal by signing the Notice to Proceed (below) and returning one copy of the signed proposal to HDR. If you have any questions, please contact me at 218.681.6100.**

Regards,  
**HDR Engineering, Inc.**

Nathan Dalager, PE, CFM  
Project Manager/Engineer

Craig R. Lenning, PE  
Vice President/MN-WI Area Manager

Encl: HDR Engineering, Inc. Terms and Conditions for Professional Services

### **NOTICE TO PROCEED**

Owner: **Red Lake Watershed District**

Consultant: **HDR Engineering, Inc.**

By: \_\_\_\_\_

By:  \_\_\_\_\_

Name: \_\_\_\_\_

Name: Craig R. Lenning, PE

Title: \_\_\_\_\_

Title: Vice President/MN-WI Area Manager





## MULTIPLE TASK ORDER AND PROJECT AGREEMENT FOR PROFESSIONAL SERVICES

**THIS AGREEMENT** is made as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, between Red Lake Watershed District, hereinafter referred to as "OWNER", and HDR Engineering, Inc., hereinafter referred to as "ENGINEER," for engineering services as described in this Agreement.

**WHEREAS**, OWNER desires to retain ENGINEER, a professional engineering firm, to provide professional engineering, consulting and related services ("Services") on one or more projects in which the OWNER is involved; and

**WHEREAS**, ENGINEER desires to provide such services on such projects as may be agreed, from time to time, by the parties;

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the parties agree as follows:

### SECTION I. PROJECT TASK ORDER

- 1.1 This Agreement shall apply to as many task orders or projects as OWNER and ENGINEER agree will be performed under the terms and conditions of this Agreement. Each project ENGINEER performs for OWNER hereunder shall be designated by a "Task Order." Task Order #2 is included with this Agreement. No Task Order shall be binding or enforceable unless and until it has been properly executed by both OWNER and ENGINEER. Each properly executed Task Order shall become a separate supplemental agreement to this Agreement.
- 1.2 In resolving potential conflicts between this Agreement and the Task Order pertaining to a specific project, the terms of the Task Order shall control.
- 1.3 ENGINEER will provide the Scope of Services as set forth in each Task Order.

### SECTION II. RESPONSIBILITIES OF OWNER

In addition to the responsibilities described in paragraph 6 of the attached "HDR Engineering, Inc. Terms and Conditions for Floodplain, Dams, and Levee Professional Services," OWNER shall have the responsibilities described in each Task Order.







**SECTION III. COMPENSATION**

Compensation for ENGINEER’s Services shall be in accordance with each Task Order, and in accordance with paragraph 11 of the attached “HDR Engineering, Inc. Terms and Conditions for Floodplain, Dams, and Levee Professional Services.”

**SECTION IV. TERMS AND CONDITIONS OF ENGINEERING SERVICES**

The “HDR Engineering, Inc. Terms and Conditions for Floodplain, Dams, and Levee Professional Services,” which are attached hereto, are incorporated into this Agreement by this reference.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

Red Lake Watershed District  
\_\_\_\_\_  
“OWNER”

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

ADDRESS: 1000 Pennington Ave. South  
Thief River Falls, MN 56701

HDR Engineering, Inc.  
\_\_\_\_\_  
“ENGINEER”

BY:   
\_\_\_\_\_

NAME: Craig R. Lenning, PE

TITLE: Sr. VP / MN-WI Area Manager

ADDRESS: 701 Xenia Ave S  
Suite 600  
Minneapolis, MN 55416



Business Group:	Water	Business Class:	Dams, Levees, Civil Works
Project Name:	TRF Westside FDR Project	Project Manager:	Nate Dalager
Client:	Red Lake Watershed District		

DATE: 09/13/18

TASKS AND DESCRIPTION		RESOURCE CATEGORIES																		HRS	COSTS					
TASK NO.	Employee/Staff Name	PM	Civil Engineer	EIT	Civil Tech	Environmental Scientist	Reviewer	Clerical	Accounting												TOTAL HOURS	Labor Fee				
Billing Rates		\$185.00	\$194.00	\$110.00	\$130.00	\$130.00	\$230.00	\$90.00	\$90.00																	
1	<b>Task Name - Project Management</b>																									
	Project Management	20.0	0.0	10.0	0.0	0.0	0.0	20.0	20.0													70.0	\$ 8,400			
	Hearings and Meetings	84.0	0.0	74.0	32.0	0.0	0.0	0.0	0.0														190.0	\$ 27,840		
	Coordinate with Funding Partners	48.0	0.0	136.0	24.0	0.0	0.0	0.0	0.0														208.0	\$ 26,960		
	<b>Task Subtotal</b>	152.0	0.0	220.0	56.0	0.0	0.0	20.0	20.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	468.0	\$63,200.00			
2	<b>Task Name - Final Design of FDR Components</b>																									
	Alternatives Evaluation	12.0	20.0	40.0	40.0	0.0	0.0	0.0	0.0														112.0	\$ 15,700		
	Survey	0.0	0.0	26.0	20.0	0.0	0.0	0.0	0.0															46.0	\$ 5,460	
	Hydraulic/Hydrologic Design	4.0	60.0	120.0	0.0	0.0	0.0	0.0	0.0															184.0	\$ 25,580	
	Hydraulic Structure Design	0.0	0.0	32.0	40.0	0.0	0.0	0.0	0.0															72.0	\$ 8,720	
	Soil Borings	8.0	16.0	20.0	0.0	0.0	0.0	0.0	0.0															44.0	\$ 6,784	
	Outlet Design	8.0	80.0	0.0	0.0	0.0	0.0	0.0	0.0															88.0	\$ 17,000	
	Road and Access Design	2.0	2.0	16.0	16.0	0.0	0.0	0.0	0.0															36.0	\$ 4,598	
	Utilities Design	4.0	0.0	40.0	40.0	0.0	0.0	0.0	0.0															84.0	\$ 10,340	
	Erosion Control Design	2.0	0.0	16.0	8.0	0.0	0.0	0.0	0.0															26.0	\$ 3,170	
	<b>Task Subtotal</b>	40.0	178.0	310.0	164.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	692.0	\$97,352.00		
3	<b>Task Name - Final Design of Storm Sewer Components</b>																									
	Alternatives Evaluation	12.0	20.0	40.0	40.0	16.0	0.0	0.0	0.0															112.0	\$ 15,700	
	Survey	0.0	0.0	26.0	20.0	0.0	0.0	0.0	0.0																46.0	\$ 5,460
	Hydraulic/Hydrologic Design	4.0	60.0	120.0	0.0	0.0	0.0	0.0	0.0																184.0	\$ 25,580
	Storm Sewer Design	8.0	32.0	80.0	40.0	0.0	0.0	0.0	0.0																160.0	\$ 21,688
	Road and Access Design	2.0	2.0	16.0	16.0	0.0	0.0	0.0	0.0																36.0	\$ 4,598
	Utilities Design	4.0	0.0	40.0	40.0	0.0	0.0	0.0	0.0																84.0	\$ 10,340
	Water Quality Design	8.0	8.0	80.0	24.0	0.0	0.0	0.0	0.0																120.0	\$ 14,952
	Erosion Control Design	2.0	0.0	16.0	8.0	0.0	0.0	0.0	0.0																26.0	\$ 3,170
	<b>Task Subtotal</b>	40.0	122.0	418.0	188.0	16.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	768.0	\$101,488.00		
4	<b>Task Name - Permitting &amp; Environmental Review</b>																									
	Wetland Delineation	0.0	0.0	8.0	8.0	120.0	0.0	0.0	0.0																136.0	\$ 17,520
	Preparation of Technical Data and Coordination	16.0	0.0	80.0	0.0	0.0	0.0	0.0	0.0																96.0	\$ 11,760
	<b>Task Subtotal</b>	16.0	0.0	88.0	8.0	120.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	232.0	\$29,280.00	
5	<b>Task Name - Detailed Plans &amp; Specifications</b>																									
	Site Plan	2.0	0.0	16.0	16.0	0.0	0.0	0.0	0.0																34.0	\$ 4,210
	Quantities	6.0	0.0	12.0	48.0	0.0	0.0	0.0	0.0																66.0	\$ 8,670
	SWPPP	6.0	0.0	24.0	12.0	0.0	0.0	0.0	0.0																42.0	\$ 5,310
	Typical Sections & Details	16.0	40.0	80.0	160.0	0.0	0.0	0.0	0.0																296.0	\$ 40,320
	Structure Details	16.0	0.0	40.0	80.0	0.0	0.0	0.0	0.0																136.0	\$ 17,760
	Traffic Control Plan	4.0	0.0	16.0	16.0	0.0	0.0	0.0	0.0																36.0	\$ 4,580
	Plan & Profile	16.0	0.0	70.0	70.0	0.0	0.0	0.0	0.0																156.0	\$ 19,760
	Cross-Sections	4.0	0.0	70.0	35.0	0.0	0.0	0.0	0.0																109.0	\$ 12,950
	Specifications & Contract Documents	16.0	24.0	125.0	62.0	0.0	0.0	24.0	0.0																251.0	\$ 31,586
	<b>Task Subtotal</b>	86.0	64.0	453.0	499.0	0.0	0.0	24.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1126.0	\$145,186.00	
6	<b>Task Name - Final Engineer's Report</b>																									
	Engineer's Report	32.0	120.0	120.0	24.0	0.0	8.0	24.0	0.0																328.0	\$ 49,520
	Engineer's Opinion of Most Probable Costs	8.0	24.0	24.0	24.0	0.0	0.0	0.0	0.0																80.0	\$ 11,896
	<b>Task Subtotal</b>	40.0	144.0	144.0	48.0	0.0	8.0	24.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	408.0	\$61,416.00	
<b>TOTAL LABOR HOURS &amp; COSTS</b>		374.0	508.0	1633.0	963.0	136.0	8.0	68.0	20.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3694.0	\$497,922.00	
																									TOTAL EXPENSES	\$ 17,498
																									TOTAL ESTIMATED COST	\$ 515,420

# Change Order No. 1

Project Name: Red Lake Watershed Little Pine WMA Outlet Structure Replacement	HDR Project No.: 1022560
Project Owner: (Name, Address) Red Lake Watershed District, 1000 Pennington Ave S, Thief River Falls, MN 56701	Owner's Project No.:
	Date of Issuance: 8/31/2018
Project Contractor: (Name, Address) Red Lake Builders, Inc., P.O. Box 250, HWY 89 S, Red Lake, MN 56671	Date of Contract: 6/27/2018
	Contract Period: 08/31/2018



**It is agreed to modify the Contract referred to above as follows:**

CPR #	ITEM AND DESCRIPTION OF CHANGES	CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
	30' x 30" Dia. CS Pipe Supplied and Installed	\$1,300.00	
	15 CY Class 2 riprap Supplied and Installed	\$1,275.00	
	100 CY Common borrow Hauled and Placed	\$ 750.00	
	12 CY Class 5 gravel Supplied and Installed	\$ 500.00	
	Difference Net	\$3,825.00	

**Summary: It is agreed to modify the Contract referred to above as follows:**

Contract Price prior to this Change Order	Contract Time prior to this Change Order
\$119,220.00	
Net Increase (decrease) of this Change Order	Net Increase (decrease) of this Change Order
\$3,825.00	
Revised Contract Price with all approved Change Orders	Revised Contract Time with all approved Change Orders
\$123,045.00	

**The changes included in this Change Order are to be accomplished in accordance with the terms, stipulations and conditions of the original Contract as though included therein.**

Accepted for Contractor by:	Date:
	<u>09/12/2018</u>
Recommended for Approval by (HDR Engineering, Inc.):	Date:
	<u>9-12-18</u>
Approved for Owner by:	Date:
Attest:	Date:
Approved: (Other - when required)	Date:

Distribution:     Owner     Contractor     Office     Field     Other

**RED LAKE WATERSHED DISTRICT**  
**Application for Payment**  
**Estimate of Work Completed**

ESTIMATE NUMBER: 1  
 PROJECT NAME: Little Pine Lake Wildlife Management Area- Outlet Structure Replacement  
 OWNER: Red Lake Watershed District  
 CONTRACT AMOUNT: \$119,220.00  
 CONTRACTOR: Red Lake Builders, Inc

DATE: 9/7/2018  
 HOR PROJECT NUMBER: 10022560  
 CONTRACT DATE: 6/27/2018  
 CONTRACT COMPLETION DATE: 8/31/2018

ITEM NO.	SPEC. NO.	DESCRIPTION	CONTRACT UNIT	UNIT QUANTITY	UNIT PRICE	Bid Price	QUANTITY COMPLETED			PERCENT COMPLETE	CURRENT ESTIMATE AMOUNT	TOTAL TO DATE AMOUNT
							PREV.	CURRENT	TOTAL			
1	2022	Mobilization	LS	1	\$9,500.00	\$9,500.00	0.00	1.00	1.00	100.00%	\$9,500.00	\$9,500.00
2	2052	Restoration & Maintenance of Haul Roads	LS	1	\$7,500.00	\$7,500.00	0.00	1.00	1.00	100.00%	\$7,500.00	\$7,500.00
3	2102	Dewatering	LS	1	\$8,300.00	\$8,300.00	0.00	1.00	1.00	100.00%	\$8,300.00	\$8,300.00
4	2105	Remove 36" CS Pipe Culvert	LF	80	\$25.00	\$2,000.00	0.00	80.00	80.00	100.00%	\$2,000.00	\$2,000.00
5	2105	Remove 60" CS Pipe Riser and Concrete Slab	LS	1	\$8,100.00	\$8,100.00	0.00	1.00	1.00	100.00%	\$8,100.00	\$8,100.00
6	2105	Remove 9'x12'x1' Concrete Slab	LS	1	\$8,100.00	\$8,100.00	0.00	1.00	1.00	100.00%	\$8,100.00	\$8,100.00
7	2106	Salvage & Re-attach 36" CS Tee Outlet Structure	LS	1	\$4,300.00	\$4,300.00	0.00	0.50	0.50	50.00%	\$2,150.00	\$2,150.00
8	2108	Water Control Structure	LS	1	\$57,000.00	\$57,000.00	0.00	0.90	0.90	90.00%	\$51,300.00	\$51,300.00
9	2106	Random Riprap, Class II	CY	58	\$75.00	\$4,350.00	0.00	58.00	58.00	100.00%	\$4,350.00	\$4,350.00
10	2106	Random Riprap Class V	CY	45	\$100.00	\$4,500.00	0.00	45.00	45.00	100.00%	\$4,500.00	\$4,500.00
11	2119	Flotation Silt Curtain	LF	110	\$20.00	\$2,200.00	0.00	110.00	110.00	100.00%	\$2,200.00	\$2,200.00
12	2124	Turf Establishment	LS	1	\$3,370.00	\$3,370.00	0.00	1.00	1.00	100.00%	\$3,370.00	\$3,370.00
							\$119,220.00			Subtotals	\$111,370.00	\$111,370.00

**FIELD ORDERS**

1						\$0.00	0.0	0.0	0.0		\$0.00	\$0.00
2						\$0.00	0.0	0.0	0.0		\$0.00	\$0.00
							\$0.00			Subtotals	\$ -	\$ -

**CHANGE ORDERS**

1		Mayo Rusten 30" CS Pipe Installation	LS	1.00	\$3,825.00	\$3,825.00	0.0	1.0	1.0		\$3,825.00	\$3,825.00	
							\$3,825.00			Subtotals	\$3,825.00	\$3,825.00	
											<b>Totals</b>	<b>\$118,195.00</b>	<b>\$118,195.00</b>

**SUMMARY:**

Total of Work to Date	\$	115,195.00
Less 10% Retainage	\$	(11,519.50)
Amount Paid on Previous Payments	\$	-
<b>Amount Due this Estimate</b>	<b>\$</b>	<b>103,675.50</b>
Percentage of work completed		96.6%
Total Payments to Date:	\$	103,675.50
Original Contract Amount Due	\$	119,220.00
Additional Contract Quantities		\$0.00
Total of Field Orders		\$0.00
Total of Change Orders		\$3,825.00
Total Estimated Contract Costs	\$	123,045.00

I concur that there are no pending changed condition claims as of this date of this pay estimate \_\_\_\_\_ (Initial)

Approved by Contractor: Red Lake Builders, Inc.

Date: 09/23/2018 Signature: [Signature]

I concur that there are no pending changed condition claims as of this date of this pay estimate ND (Initial)

Approved by Engineer: Nate Dalager, P.E. HDR Engineering, Inc.

Date: 9-12-18 Signature: [Signature]

Approved by RLWD Administrator: Myron Jesme

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**RECAP OF PREVIOUS PAYMENTS:**

EST#	DATE	PAYMENT AMOUNT
1	None	\$ -
2		\$ -
3		\$ -
4		\$ -
5		\$ -
6		\$ -
<b>TOTAL</b>		<b>\$ -</b>



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Also: St. Cloud Office  
501 W. Germain Street, Suite 304  
St. Cloud, MN 56301  
(320) 240-8200

August 6, 2018

Delray Sparby  
Ihle, Sparby & Haase, PA  
312 Main Avenue North  
Thief River Falls, MN 56701

VIA U.S. MAIL AND EMAIL  
(ihlespar@mncable.net)

Re: Watershed Project Affecting Dudley Township

Dear Mr. Sparby:

This firm represents Dudley Township ("Town") and I am writing on its behalf regarding the proposed project being undertaken by your client the Red Lake Watershed District ("District") to lower a culvert under the Town's road. The Town inquired to the Minnesota Association of Townships regarding this matter and received a response by email dated October 23, 2017 indicating a lack of apparent authority for the District to alter drainage in a Town road ditch without the consent of the Town Board. Specifically, Mr. Steve Fenske pointed out Minn. Stat. § 103D.621, subd. 4 requires the Town's consent before the District can improve or repair a drainage system. The Town then sent the District a letter dated June 21, 2018 indicating that Town consent was required before proceeding with the project. In turn, you sent a letter to the Town dated June 22, 2018 indicating that Minn. Stat. § 103D.621 only applies to projects in the metropolitan area and that the applicable statute is actually Minn. Stat. § 103E.525. You stated that under that statute the Town, as the road authority, is responsible for maintaining culverts and is therefore responsible for lowering the culvert. If the Town fails to comply with the District's order, you indicated the District will have the work done and the costs assessed against the Town. The Town asked me to provide information regarding these conflicting opinions as to which statutory authority applies.

There is no question that the watershed is governed by Minn. Stat., Chap. 103D, said chapter being referred to as the "Watershed Law." Minn. Stat. § 103D.001. However, I do agree with you that Minn. Stat. § 103D.621 does not apply in this case. The statute was established to provide an expedited method for accomplishing drainage improvements and is expressly limited

August 6, 2018

Page 2

to watershed districts located wholly or partly in a metropolitan county. Minn. Stat. § 103D.621, subd. 2(c). However, it is not necessarily the case the Minn. Stat., Chap. 103E then applies to this situation.

The authority and procedures set out in Minn. Stat., Chap. 103E apply to “drainage authorities,” which is defined as the county board or joint county drainage authority having jurisdiction over the drainage system or project. Minn. Stat. § 103E.005, subd. 9. In other words, Minn. Stat., Chap. 103E does not apply in this case unless the ditch on which the culvert is located constitutes a “drainage system” under Minn. Stat. § 103E.005, subd. 12 and the District has been properly designated the drainage authority over the system in accordance with statute. A town road ditch may be, but is not necessarily, part of drainage system.

The procedure to have a watershed district assume the duties of a drainage authority over a drainage system is set out in Minn. Stat. § 103D.625. Even though this section follows Minn. Stat. § 103D.621 in the statutes, the findings and definitions of Minn. Stat. § 103D.621 are limited to that section and do not apply to Minn. Stat. § 103D.625. The statute indicates how the authority may be transferred and requires a hearing and order by the county board or joint drainage authority. Thereafter, the county drainage system, or portion thereof, assigned to the watershed district is under the control of the watershed district and any projects are to be carried out in accordance with Minn. Stat., Chap. 103E. Therefore, it appears your reference to the District undertaking the project pursuant to Minn. Stat., Chap. 103E would only be valid if this particular ditch is part of a designated drainage system, and this portion of the drainage system was turned over to the District by the county after a public hearing and issuance of an order. If you would please provide me information indicating that these things are true in this case, I will advise the Town accordingly. However, absent such proof, it would appear your reliance on Minn. Stat., Chap. 103E cannot be supported.

Assuming, for the sake of continuing the analysis, this ditch is part of a designated drainage system over which the District is the drainage authority, the project can only proceed in accordance with the procedures set out in Minn. Stat., Chap. 103E. I was not provided information on the scope of the project, but since it involves lowering a culvert it would appear to go beyond mere maintenance as you suggest and would instead constitute an “improvement” under Minn. Stat. § 103E.215, subd. 2 as it would involve deepening the drainage system. As an improvement project, a number of procedures need to be followed before it can be undertaken. As the Roome Township case you cited in your letter made clear, part of the required procedure is determining and paying the affected town construction cost damages for the mandated culvert work.

Again, if you would please provide me information regarding the District having undertaken the required procedures to order this improvement project and what it has done to determine and award construction damages to the Town for the proposed culvert work, I will advise the Town accordingly with respect to its duties as a road authority under Minn. Stat. § 103E.525. However, any attempt to certify this project to the county auditor with the idea of withholding funds from the Town without supplying proof that the District is actually acting within its

August 6, 2018

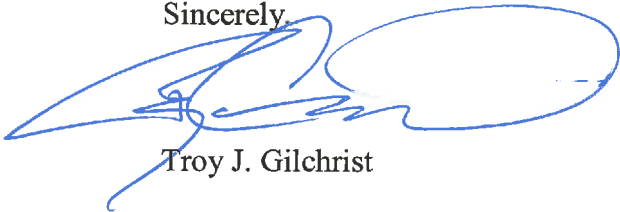
Page 3

authority to order this work and paying the Town damages will, I suspect, be resisted by the Town as the District acting beyond its authority.

Once you are able to provide me the required additional information I will review it, share it with the Town, and advise it regarding its obligations, if any, under Minn. Stat., Chap. 103E with respect to the lowering of the culvert.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Troy J. Gilchrist", with a large, stylized flourish extending to the right.

Troy J. Gilchrist

cc: Dudley Township

# IHLE SPARBY & HAASE PA

Attorneys At Law  
312 Main Avenue North  
PO BOX 574  
Thief River Falls, MN 56701

PAUL IHLE, Retired  
DELRAY SPARBY  
NATHAN HAASE

TELEPHONE: 218-681-7373  
FACSIMILE: 218-681-7375  
ihlespar@mncable.net

September 5, 2018

SENT BY U.S. MAIL AND EMAIL  
([tgilchrist@kennedy-graven.com](mailto:tgilchrist@kennedy-graven.com))

Troy J. Gilchrist  
Attorney at Law  
Kennedy & Graven, Chartered  
470 U.S. Bank Plaza  
200 South Sixth Street  
Minneapolis, MN 55402

RE: Dudley Township - Repair to JD 5

Dear Mr. Gilchrist:

I apologize for the delayed response. I have had a chance to review your prior correspondence dated August 6, 2018. Attached hereto please find the documented action of the Clearwater County Board which complied with Minnesota State Statute in transferring drainage authority jurisdiction over Judicial Ditch No. 5 to the Red Lake Watershed District, as the existing legal drainage authority.

The drainage way in question is a legal drainage system and is not merely a township roadway. It is designated as Judicial Ditch No. 5

The matter was addressed by the Red Lake Watershed District (RLWD) as a repair. It was brought to the attention of the Red Lake Watershed District that the elevation of the culvert in question had been illegally raised from its originally constructed elevation. In 2010, the RLWD hired Houston Engineering Inc., to review the matter and report back to the Board of Managers. In their report and comparing the information on Judicial Ditch No. 5 dating back to the early 1920's, it was apparent that the culvert in question had indeed been raised. After recommendation from HDR Engineering, another engineering firm hired by the RLWD, indicating that it would not be practical to re-set the culvert to the as built elevation based upon the history and changed character of the landscape, it was the engineer's recommendation to set the culvert at the nearest practicable location which would still be of useful benefit and efficiency to the drainage system. The engineer's recommendation was an elevation of 1426.



*Troy J. Gilchrist Letter*  
*September 5, 2018*  
*Page Two*

Additionally, Minn.Stat. § 103E.705 sets forth the procedure for a watershed district to inspect a drainage system and make necessary repairs.

Under chapter 103E, “repair” means:

[T]o restore all or a part of a drainage system as nearly as practicable to the same condition as originally constructed and subsequently improved, including resloping of ditches and leveling of waste banks if necessary to prevent further deterioration, realignment to original construction if necessary to restore the effectiveness of the drainage system, and routine operations that may be required to remove obstructions and maintain the efficiency of the drainage system.

*Minch v. Buffalo-Red River Watershed Dist.*, 723 N.W.2<sup>nd</sup> 483, (Minn. Ct. App. 2006).

A repair order was issued by the Red Lake Watershed District Board of Managers. Because the legal drainage system culvert was located in the township roadway, pursuant to Minnesota Statute 103E.525, the township has the statutory duty to maintain the culvert in its roadway. The repair order was sent by the watershed district to the Clearwater County Auditor to forward to Dudley Township pursuant to Minnesota State Statute 103E.525. It is my understanding the repair order was forwarded by the Clearwater County Auditor on August 1, 2018.

Minnesota Statute 103E.525 provides a statutory mechanism for accomplishing the ordered repair. If Dudley Township refuses to perform the necessary repair within a reasonable period of time, the statute directs that the same may be performed by the drainage authority. Essentially, acting as a statutorily appointed agent of the road authority.

A reasonable time period has been passed within which the Township could have repaired the culvert as ordered by the Red Lake Watershed District, as the legal drainage authority. By statute, the Red Lake Watershed District may arrange for the repair work to be performed and bill the cost of the same to Dudley Township.

Very truly yours,

  
Delray Sparby

DLS/ds  
Enc.

STATE OF MINNESOTA  
COUNTY OF CLEARWATER

IN DISTRICT COURT  
NINTH JUDICIAL DISTRICT

\*\*\*\*\*

IN RE:

Judicial Ditches in Clearwater  
County located in the Red Lake  
Watershed District

ORDER


\*\*\*\*\*

The above-entitled matter came on for hearing before the undersigned Judge of the above named Court on December 14, 1982, at the Court room in the Courthouse, Clearwater County, Bagley, Minnesota, at 1:00 P.M. James R. Wilson, County Attorney for Clearwater County, appeared as attorney for Petitioners and no one appeared in opposition to said Petition. The Court having duly considered the evidence adduced at said hearing and on all the files, pleadings and proceedings herein and being fully advised in the premises,

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

That the Court hereby finds that the transfer of Judicial Ditches Numbers 2, 3, 4, 5 and 72, located within Clearwater County and in the Red Lake Watershed District serves the public welfare and is in the public interest and it is hereby ordered that said ditches be forthwith transferred to the managers of the Red Lake Watershed District pursuant to MSA 112.65, together with the right to repair and maintain the same.

Dated this 23<sup>rd</sup> day of October, 1982.

  
\_\_\_\_\_  
Judge of District Court

STATE OF MINNESOTA   )  
                              (SS  
COUNTY OF CLEARWATER)

I, the undersigned county auditor in and for said county and state, do hereby certify: That I have compared the attached copy of order with the original on file in my office, and that the same is a true and correct copy of said original and of the whole thereof.

Witness my hand and the seal of the said county auditor this 13th day of January, 1983.

Lorraine Theis  
Lorraine Theis  
County Auditor

STATE OF MINNESOTA

COUNTY OF CLEARWATER

CLEARWATER COUNTY BOARD OF COMMISSIONERS

\*\*\*\*\*

IN RE:

The transfer of County Ditches  
1 and 4 to the Red Lake Watershed  
District.

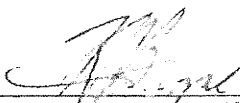
\*\*\*\*\*

The above-entitled matter came on for hearing before the Clearwater County Board on the 20th day of October, 1982, pursuant to published notice in accordance with MSA 112.65. The purpose of said hearing was to make a determination whether or not the transfer of County Ditches Numbers 1 and 4 to the Red Lake Watershed District would be in the public interest and for the public welfare.

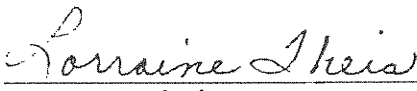
The County Board, after having heard all interested parties, finds that the transfer of Clearwater County Ditches 1 and 4 to the Red Lake Watershed District serves the public welfare and is in the public interest and according to the applicable law, makes the following Order:

1. Clearwater County Ditch Number 1 and Clearwater County Ditch Number 4 are forthwith transferred to the managers of the Red Lake Watershed District pursuant to MSA 112.65, together with the right to repair and maintain the same.

Dated at Bagley, Minnesota, this 20th day of October, 1982.

  
\_\_\_\_\_  
Francis R. Bagné, Chairman  
Clearwater County Board of Commissioners

ATTEST:

  
\_\_\_\_\_  
Lorraine Theis  
Clearwater County Auditor

STATE OF MINNESOTA

BEFORE THE JOINT DITCH BOARD  
OF POLK COUNTY AND RED LAKE  
WATERSHED DISTRICT

In the matter of the Redetermination )  
of Benefits in the Judicial Ditch 2 )  
of Clearwater County, Branch A )

FINDINGS OF FACT AND ORDER  
ESTABLISHING THE BENEFITS

The above-entitled matter came on for final hearing before the Joint Ditch Board of Polk County and the Red Lake Watershed District, on Judicial Ditch #2, at 9:00 a.m. on Thursday, August 16th, 1984, at the Community Hall in Convick, Minnesota, pursuant to notice, to consider the redetermination of benefits for Judicial Ditch #2, located in Clearwater County of Minnesota, and to consider the Engineers report and the viewers report filed herein, and to provide an opportunity for all parties interested in the proposed area of benefits to be heard. The Joint Ditch Board, having heard and considered the testimony offered by Landowners, Viewers, and the Engineer and all other persons who requested an opportunity to be heard, considered all of the files and records herein, now makes the following findings:

FINDINGS

I.

That the Joint Ditch Board of Judicial Ditch #2 complied with all of the requirements set forth in Chapter 112.501 of the Minnesota Statutes and that said Board has jurisdiction to re-determine the benefitted area of said ditch, as set forth in their minutes of June 1, 1984.

II

That Charles L. Anderson of Crookston, Minnesota was appointed engineer for the redetermination of boundaries on June 29, 1984, and to make the necessary examinations and recommendations.

III

That on the 1st day of June, 1984, the Board appointed Arnold Skiple, Helmer Hanson and Earl Gunning, three disinterested resident fee holders of the state to act as Viewers thereafter subscribed and filed on oath with the Joint Ditch Board and proceeded to determine the benefits to all lands and properties. The report of the viewers was filed with the Joint Ditch Board on June 29th, 1984.

IV

On the 29th day of June, 1984, the Joint Ditch Board ordered that the hearing be held at 9:00 a.m. on Thursday, August 16, 1984 at the Community Hall in Convick Minnesota, to consider the Viewers report and the Engineers report and provide an opportunity for all persons interested in the proposed area to appear before the Board at the time and place designated to present

their objections, if any they have, and show cause why the Viewers Report would not be used to re-determine benefits and further ordered that notice of said hearing be given as provided by law.

V

That a notice of the hearing on the re-determination was published on the July 25th, 1984 and on the 1st day of August, 1984 in the Leader-Record which is published in the Town of Gonvick, Minnesota as appears by the affidavits of publication on file herein. That said notices were mailed to the owners of the lands described in tax rolls, to the County Auditors of Polk and Clearwater Counties, and the Chairman of the Townships affected by the reports.

ORDERS

I

That the engineering reports that determine the drainage boundaries, and areas confirming Branches is hereby incorporated herein and made a part hereof by reference.

II

Be it further resolved that Judicial Ditch #2 be divided into three (3) sections: 1) Branch A and Branch 1 of A . 2) Main J.D.#2 (upstream of Anderson Lake) and Branch B and Branch C. 3) Main J.D.#2 (downstream of Anderson Lake) for which no benefits were found. That the viewers report filed herein setting forth the benefits to all lands and properties affected is hereby made a part hereof by reference to the attached map: Red area is \$50.00; Green area is \$40.00; Blue area is \$25.00; Yellow area is \$10.00; and the total evaluation is \$302,466.00.

Dated this 23rd day of August 1984.

Joint Ditch Board of Polk County  
and Red Lake Watershed District  
for Judicial Ditch #2

BY: Calvin E. Kolling  
Calvin Kolling, Chairman

ATTEST: Lowell C. Emerson  
Lowell C. Emerson, Secretary

State of Minnesota,  
County of Clearwater

Arnold Skiple, Helmer Hanson and Earl Gunning,  
the undersigned viewers, respectfully report that we met on the  
11th day of June, 1984, at District Office in Thief River Falls,  
Minnesota for our first meeting preparatory to commencing our  
duties as such viewers, and having taken the oath required by  
law, we did view all lands and properties benefited by said  
drainage system. We did find the benefits to land and properties  
affected thereby, and we did cause to be prepared in tabular form,  
a statement showing the description of each lot and forty-acre  
tract, or fraction thereof under separate ownership, benefited or  
not, the names of the owners as the same appear on the current  
tax duplicate of the county, the number of acres added to any  
tract by the drainage of meandered lakes and the values thereof,  
and the amount that each tract will be benefited

We did keep an accurate account of all our services  
and time while engaged in making said view and examination; the number  
of days each one of us was engaged in said work; the amount charged  
per day by each of us; every item of expense incurred by us in said  
work; and the total amount of all our expenses and compensation in  
said work.

We have read the within Viewers Report and know  
the contents thereof and same are true of his own knowledge.

Arnold Skiple  
Arnold Skiple, Chairman

Helmer Hanson  
Helmer Hanson

Earl Gunning  
Earl Gunning

Subscribed and sworn to before  
me this 16th day of August,  
1984 at Thief River Falls  
Notary Public, Minnesota  
My Commission Expires May 18, 1991

Nendick Heating,cooling,plumbing,septic

INC

PO Box 193

Blackduck MN 56630

# Estimate

Date	Estimate #
7/13/2018	284

Name / Address
White Birch Resort 18882 N Blackduck Lake Rd Ne Hines Mn. 56647

Project
2018 dirt

Description	Qty	Cost	Total
Bobcat work to fix drainage	15	100.00	1,500.00
<b>Total</b>			<b>\$1,500.00</b>

Customer Signature \_\_\_\_\_





5422 Hwy 71 NW Bemidji, MN 56601  
 37632 US Hwy 2 Fosston, MN 56542  
 6544 State Hwy 371 Walker, MN 56484  
 Phone (218) 444-9112 Phone (218) 435-2330 Phone (218) 766-4430  
 Fax (218) 444-9296 Fax (218) 435-2332 Fax (218) 547-2516

TRACY WITHAKES@GMAIL.COM

16431

# GRAVEL ORDER

Name White Birch Resort Del. Date \_\_\_\_\_  
 Address \_\_\_\_\_ Time \_\_\_\_\_  
 Phone \_\_\_\_\_ COD/Send Bill \_\_\_\_\_

Quantity	Item	Price	Amount
_____	Mason Sand	_____	_____
_____	Washed Sand	_____	_____
_____	Sand Fill	_____	_____
_____	3/4" Rock	_____	_____
_____	1 1/2" Rock	_____	_____
_____	Pea Rock	_____	_____
_____	3/4" Round Roof Rock	_____	_____
_____	1 1/2" Round Roof Rock	_____	_____
_____	Rip Rap	_____	_____
_____	Class 1	_____	_____
_____	Class 5	_____	_____
<u>60</u>	<u>Black Dirt</u>	<u>21.00</u>	<u>1,260.00</u>
_____	Crushed Concrete	_____	_____
_____	Crushed Asphalt	_____	_____
_____	Quarry Rock/Dust	_____	_____

Fuel Charge 50.00  
 5 Extra Mileage 87.50  
 Load Charge \_\_\_\_\_  
 2% Credit Card Charge \_\_\_\_\_  
 Sub Total \_\_\_\_\_  
 Sales Tax - MN/Belt/Hub/Cass/Polk/City 103.07  
**TOTAL DUE 1,500.57**

Directions \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Handwritten signature and 'CHECK' stamp*

## NOTICE OF HEARING

Pursuant to Minnesota Statutes, Chapter 103D.911, notice is hereby given that the Board of Managers of the Red Lake Watershed District will hold a public hearing on the proposed 2019 General Fund Budget at 9:30 a.m., September 13, 2018, at the Red Lake Watershed District Office, 1000 Pennington Avenue South, Thief River Falls, MN 56701. The following is the 2019 proposed budget:

	PROPOSED 2019 <u>BUDGET</u>
Manager's fees and salaries	\$ 20,000.00
Board of managers' expense	22,000.00
Staff salaries	472,500.00
Payroll taxes	36,146.00
Employee benefits	73,492.00
Travel and meetings	5,000.00
Audit	9,000.00
Legal	16,000.00
Office supplies	15,000.00
Office equipment	18,000.00
Appraisers and Viewers	2,000.00
Professional services	20,000.00
Dues and subscriptions	10,000.00
Insurance and bonds	25,000.00
Repairs and maintenance-building	10,000.00
Utilities	10,000.00
Advertising and publications	4,000.00
Telephone	11,000.00
Vehicle expense & maintenance	14,000.00
Engineering supplies	3,000.00
Engineering equipment	<u>40,000.00</u>
TOTAL	\$ 836,138.00
LESS: ESTIMATED OVERHEAD	( 708,750.00)
LESS: MISCELLANEOUS REVENUE	<u>( 7,000.00)</u>
PROPOSED 2019 GENERAL FUND BUDGET AND LEVY	\$120,388.00

### CAPITAL PROJECTS FUND

An ad valorem tax of .0004836 times the taxable market value for 2018, collectible for 2019, will be levied on all taxable property within the Red Lake Watershed District. One-half of the levy will remain in the District for projects listed below; the other one-half of the levy will be sent to the Red River Watershed Management Board for projects within the Red River Basin.

Permitting system	Benchmarks
Flood Control studies/projects	Stream gauging
Water quality studies/projects	Rivers
Watershed hydrologic analysis	Lakes
Bank stabilization	



# WD 103E Systems Only Buffer Rule

## Buffer Law Implementation

DRAFT April 4, 2018

### 1.1 Policy

It is the policy of the Board of Managers to:

- (a) Provide public drainage system ditches with vegetated buffers and water quality practices to achieve the following purposes:
  - (1) Protect state water resources from erosion and runoff pollution;
  - (2) Stabilize soils, and banks.
- (b) Coordinate closely with the District's landowners, soil and water conservation districts and counties, and utilize local knowledge and data, to achieve the stated purposes in a collaborative, effective and cost-efficient manner.
- (c) Integrate District authorities under Minnesota Statutes §§103D.341, 103E.021, and 103F.48 to provide for clear procedures to achieve the purposes of the rule.
- (d) The District will implement and enforce buffers through the use of Drainage Law (Minnesota Statutes §§103E.021 and 103E.351) and when that cannot be accomplished through the use of Administrative Penalty Order (APO) powers granted through Minnesota Statute §103F.48.

### 2.0 Definitions

**BWSR:** Minnesota Board of Water and Soil Resources.

**Buffer:** An area consisting of perennial vegetation, excluding invasive plants and noxious weeds.

**Buffer law:** Minnesota Statutes §103F.48, as amended.

**Commissioner:** Commissioner of the Minnesota Department of Natural Resources.

**Cultivation farming:** Practices that disturb vegetation roots and soil structure, or involve vegetation cutting or harvesting that impairs the viability of perennial vegetation.

**Drainage authority:** The public body having jurisdiction over a drainage system under Minnesota Statutes chapter 103E.

**NRCS:** U.S. Department of Agriculture, Natural Resource Conservation Service.

**Operator:** A party other than a landowner that directly or indirectly controls the condition of riparian land subject

to a buffer under the rule.

Person: Individual or entity.

Public water: As defined at Minnesota Statutes §103G.005, subdivision 15, and included within the public waters inventory as provided in Minnesota Statutes §103G.201.

Riparian protection: A water quality outcome for the adjacent waterbody equivalent to that which would be provided by the otherwise mandated buffer, from a facility or practice owned or operated by a municipal separate storm sewer system (MS4) permittee or subject to a maintenance commitment in favor of that permittee at least as stringent as that required by the MS4 general permit in effect.

Shoreland standards: Local shoreland standards as approved by the Commissioner or, absent such standards, the shoreland model standards and criteria adopted pursuant to Minnesota Statutes §103F.211.

Structure: An above-ground building or other improvement that has substantial features other than a surface.

SWCD: Soil and Water Conservation District.

**Commented [EJ1]:** Delete and add to definition section of WD rules.

## 2.0 Data sharing/management

- 2.1 The District may enter into arrangements with an SWCD, a county, the BWSR and other parties with respect to the creation and maintenance of, and access to, data concerning buffers and alternative practices under this rule.
- 2.2 The District will manage all such data in accordance with the Minnesota Data Practices Act and any other applicable laws.

## 3.0 Vegetated Buffer Requirement

- 3.1 Except as subsection 3.3 or 3.4 may apply, a landowner must maintain a buffer on land that is adjacent to a public drainage system ditch identified and mapped on the buffer protection map established and maintained by the Commissioner pursuant to the buffer law.
  - 3.1.1 For a public drainage system ditch, the buffer must be of a 16.5-foot minimum width. This rule does not apply to the portion of public drainage systems consisting of tile.
  - 3.1.2 The buffer is measured from the top or crown of bank. [Where there is no defined bank, measurement will be from the normal water level.](#) The District will determine normal water level in accordance with BWSR guidance. For a public drainage system, the District will determine top or crown of bank in the same manner as for measuring the perennially vegetated strip under Minnesota Statutes §103E.021.

- 3.1.3 A buffer may not be used for cultivation farming, but may be grazed, mowed, hayed or otherwise harvested, provided permanent growth of perennial vegetation is maintained.
- 3.2 The requirement of subsection 3.1  
Applies to all public drainage ditches within its boundary for which it is the drainage authority.
- 3.3 The requirement of subsection 3.1 does not apply to land that is:
  - 3.3.1 Enrolled in the federal Conservation Reserve Program;
  - 3.3.2 Used as a public or private water access or recreational use area including stairways, landings, picnic areas, access paths, beach and watercraft access areas, provided the area in such use is limited to what is permitted under shoreland standards or, if no specific standard is prescribed, what is reasonably necessary;
  - 3.3.3 Used as the site of a water-oriented structure in conformance with shoreland standards or, if no specific standard is prescribed, what is reasonably necessary;
  - 3.3.4 Covered by a road, trail, building or other structure;
  - 3.3.5 Regulated by a national pollutant discharge elimination system/state disposal system (NPDES/SDS) municipal separate storm sewer system, construction or industrial permit under Minnesota Rules, chapter 7090, and the adjacent waterbody is provided riparian protection;
  - 3.3.6 Part of a water-inundation cropping system; or
  - 3.3.7 In a temporary nonvegetated condition due to drainage tile installation and maintenance, alfalfa or other perennial crop or plant seeding, or a construction or conservation project authorized by a federal, state or local government unit.

#### 4.0 Drainage System Acquisition and Compensation for Buffer

- 4.1 In accordance with Minnesota Statutes §103F.48, subdivision 10(b), a landowner owning land within the benefited area of and adjacent to a public drainage ditch may request that the District, as the drainage authority, acquire and provide compensation for the buffer strip required under this rule.
  - 4.1.1 The request may be made to use Minnesota Statutes §103E.021, subdivision 6, or by petition pursuant to Minnesota Statutes §103E.715, subdivision 1.
  - 4.1.2 The decision on the request is within the judgment and discretion of the District, unless the request concerns a buffer strip mandated by Minnesota Statutes §103E.021.
  - 4.1.3 If the request is granted or the petition proceeds, the requirements of the buffer strip and the compensation to be paid for its incorporation into the drainage system will be determined in accordance with the statutes referenced in paragraph 4.1.1 and associated procedures. When

[Model Watershed District Buffer Rule • Page 4](#)

the order establishing or incorporating the buffer strip is final, the buffer strip will become a part of the drainage system and thereafter managed by the District in accordance with the drainage code.

- 4.1.4 On a public drainage ditch that also is a public water subject to a 50-foot average buffer, the drainage system will be required to acquire only the first 16.5 feet of the buffer.
- 4.2 The District, on its own initiative pursuant to Minnesota Statutes §§103F.48 and 103E.021, may acquire and provide compensation for buffer strips required under this rule on individual or multiple properties along a public drainage system.

- 4.3 The District's decision to grant or deny a request under subsection 4.1 is not subject to appeal. A determination as to compensation or another term of the order may be appealed as provided for under the drainage code.
- 4.4 This section 4.0 supplements, and does not displace, the terms of Minnesota Statutes chapter 103E requiring or providing for drainage system establishment and acquisition of vegetated buffer strips along public ditches.

## 5.0 Action for Noncompliance

- 5.1 When the District observes potential noncompliance or receives a third party complaint from a private individual or entity, or from another public agency (such as the SWCD), it will determine the appropriate course of action to confirm compliance status. This may include communication with the landowner or his/her agents or operators, communication with the shoreland management authority, inspection or other appropriate steps necessary to verify the compliance status of the parcel. On the basis of this coordination, the SWCD may issue a notification of noncompliance to the District. If the SWCD does not transmit such a notification, the District will not pursue a compliance or enforcement action under Minnesota Statutes §103F.48, but may pursue such an action under the authority of Minnesota Statutes §§103E.021 and 103D.341 and paragraph 6.
- 5.2 On receipt of an SWCD notification of noncompliance, or if acting solely under authority of Minnesota Statutes §§103E.021 or 103D.341, the District will determine first whether sufficient public drainage system easement exists to establish the required vegetative buffer. If sufficient easement does not exist, the District will attempt to acquire the necessary easements through incremental buffer establishment provided in §103E.021, subd. 6 or through a redetermination of benefits provided in Minnesota Statutes §103E.351 and will establish the required buffers. The establishment of the required buffers will occur within 12 months of the determination that inadequate easement exists, and no more than 18 months from the receipt of a SWCD notification of noncompliance or the Watershed District decision to establish the required buffers. If sufficient easement does not exist and the District is unable to acquire the necessary easements through incremental buffer establishment provided in §103E.021, subd. 6 or through a redetermination of benefits, or if sufficient easement does exist and an established buffer has been adversely obliterated/~~altered~~, the District will issue a corrective action list and practical schedule for compliance to the landowner. The District may inspect the property and will consult with the SWCD, review available information and exercise its technical judgment to determine appropriate and sufficient corrective action and a practical schedule for such action. The District will maintain a record establishing the basis for the corrective action that it requires.
  - 5.2.1 The District will issue the corrective action list and schedule to the landowner of record. The landowner may be the subject of enforcement liabilities under subsections 6.1 and 6.2. The District may deliver or transmit the list and schedule by any means reasonably determined to reach the responsible party or parties, and will document receipt. However, a failure to document receipt will not preclude the District from demonstrating receipt or knowledge in an enforcement proceeding under section 6.0.
  - 5.2.2 The corrective action list and schedule will identify the tract of record to which it pertains and the portion of that tract that is alleged to be noncompliant. It will describe corrective actions to be taken, a schedule of intermediate or final dates for correction, a compliance standard against which it will judge the corrective action, and a statement that failure to respond to this list and



schedule will result in an enforcement action. The District will provide a copy of the list and schedule to the BWSR.

- 5.2.3 In addition, at any time a responsible party may supply information in support of a request to modify a corrective action or the schedule for its performance. On the basis of any such submittal or at its own discretion, the District may modify the corrective action list or schedule, and deliver or transmit the modified list and schedule in accordance with paragraph 5.32.1, or may advise the landowner in writing that it is not pursuing further compliance action.

- 5.2.4 The corrective action list and schedule for compliance may be modified in accordance with subsection 5.2, to extend the compliance timeline for a modification that imposes a substantial new action or significantly accelerates the completion date for an action.
- 5.2.5 At any time after the District has issued the list and schedule, a landowner, or authorized agent or operator of a landowner, may request that the SWCD issue a validation of compliance with respect to property for which the list and schedule has been issued. On District receipt of the validation: (a) the list and schedule will be deemed withdrawn for the purpose of subsection 6.2, and the subject property will not be subject to enforcement under that subsection; and (b) the subject property will not be subject to enforcement under subsection 6.1.
- 5.2.6 A corrective action list and schedule is not considered a final decision subject to appeal. An objection to a finding of noncompliance, or to any specified corrective action or its schedule, is reserved to the responsible party and may be addressed in an enforcement proceeding under section 7.0.

## 6.0 Enforcement

- 6.1 Under authority of Minnesota Statutes §§103E.021, 103D.545, and 103D.551, the District may seek remedies for noncompliance with section 3.0 against any responsible party including but not limited to: (a) reimbursement of District compliance costs under Minnesota Statutes §§103D.345 and 103E.021 and/or an escrow for same; (b) administrative compliance order; (c) district court remedy including injunction, restoration or abatement order, authorization for District entry and/or order for cost recovery; and (d) referral to county attorney for criminal misdemeanor prosecution..
- 6.2 In instances where existing vegetation on the ditch buffer easement has been ~~obliterated~~altered and has not been restored, the District may collect compliance expenses in accordance with Minnesota Statutes §103E.021 from a landowner for noncompliance with the corrective action list and schedule, as provided under paragraphs 5.2.1 and 5.2.2. The District will restore any ~~obliterated~~altered buffer and charge the landowner for the cost of the restoration if the landowner does not complete does not meet the requirements of the corrective action list and schedule.
- 6.3 In instances where a ditch buffer easement area cannot be established in a timely manner, the District may issue an administrative order imposing a monetary penalty against a landowner for noncompliance with the corrective action list and schedule, as provided under paragraphs 6.3.1 and 6.3.2. The penalty will continue to accrue until the noncompliance is corrected as provided in the corrective action list and schedule.

6.3.1 The penalty for a landowner on a single parcel that previously has not received an administrative penalty order issued by the District shall be:

- (a) \$0 for 11 months after issuance of the corrective action list and schedule;
- (b) \$200 per parcel per month for the first six (6) months (180 days) following the time period in (a); and
- (c) \$500 per parcel per month after six (6) months (180 days) following the time period in (b).

**Commented [EJ2]:** \$50-\$200 per parcel per month suggested by BWSR.

**Commented [EJ3]:** \$200-\$500 per parcel per month suggested by BWSR.

6.3.2 The penalty for a landowner on a single parcel that previously has received an administrative penalty order issued by the District shall be:

- (a) \$50 per parcel per day for 180 days after issuance of the corrective action list and

Minnesota Board of Water & Soil Resources • [www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)

**Commented [EJ4]:** \$50-\$200 per parcel per day suggested by BWSR

- schedule; and  
(b) \$200 per parcel per day for after 180 days following the time period in (a).

**Commented [EJ5]:** \$200-\$500 per parcel per day suggested by BWSR

6.4 The administrative order will state:

- i. The facts constituting a violation of the buffer requirements;
- ii. The statute and/or rule that has been violated;
- iii. Prior efforts to work with the landowner to resolve the violation;
- iv. For an administrative penalty order, the amount of the penalty to be imposed, the date the penalty will begin to accrue, and the date when payment of the penalty is due; and
- v. The right of the responsible party to appeal the order.

A copy of the APO must be sent to the SWCD and BWSR.

6.5 An administrative order under subsection 6.1 or 6.3 will be issued after a compliance hearing before the District Board of Managers. The landowner and any other responsible parties will receive written notice at least two weeks in advance of the hearing with a statement of the facts alleged to constitute noncompliance and a copy or link to the written record on which District staff intends to rely, which may be supplemented at the hearing. A responsible party may be represented by counsel, may present and question witnesses, and may present evidence and testimony to the Board of Managers. The District will make a verbatim record of the hearing.

6.6 After a hearing noticed and held for consideration of an administrative penalty or other administrative order, the Board of Managers may issue findings and an order imposing any authorized remedy or remedies.

6.6.1 The amount of an administrative penalty will be based on considerations including the extent, gravity and willfulness of the noncompliance; its economic benefit to the responsible party; the extent of the responsible party's diligence in addressing it; any noncompliance history; the public costs incurred to address the noncompliance; and other factors as justice may require.

6.6.2 The Board of Managers findings and order will be delivered or transmitted to the landowner and other responsible parties. An administrative penalty order may be appealed to the BWSR in accordance with Minnesota Statutes §103F.48, subdivision 9, and will become final as provided therein. The District may enforce the order in accordance with Minnesota Statutes §116.072, subdivision 9. Other remedies imposed by administrative order may be appealed in accordance with Minnesota Statutes §103D.537.

6.6.3 The Board of Managers may forgive an administrative penalty, or any part thereof, on the basis of diligent correction of noncompliance following issuance of the findings and order and such other factors as the Board finds relevant.

6.7 Absent a timely appeal pursuant to paragraph 6.6.2, an administrative penalty is due and payable to the District as specified in the administrative penalty order.

- 6.8 A landowner agent or operator may not remove or willfully degrade, wholly or partially, a riparian buffer, unless the agent or operator has obtained a signed statement from the landowner stating that written permission for the work has been granted by the District or that the buffer is not required as indicated in a validation of compliance issued by the SWCD.
- 6.9 Nothing within this rule diminishes or otherwise alters the District's authority under Minnesota Statutes, chapter 103E with respect to any public drainage system for which it is the drainage authority, or any buffer strip that is an element of that system.

## **7.0 Effect of Rule**

- 7.1 If any section, provision or portion of this rule is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the rule is not affected thereby.
- 7.2 Any provision of this rule, and any amendment to it, that concerns District authority under Minnesota Statutes §103F.48 is not effective until an adequacy determination has been issued by the BWSR. Authority exercised under Minnesota Statutes chapter 103D and 103E does not require a BWSR adequacy determination.

# *Red Lake Watershed District*

**President**  
Dale M. Nelson

**Vice President**  
Gene Tiedemann

**Treasurer**  
Terry Sorenson

1000 Pennington Avenue South  
Thief River Falls, MN 56701  
218-681-5800  
218-681-5839 FAX  
e-mail: [RLWD@redlakewatershed.org](mailto:RLWD@redlakewatershed.org)  
[www.redlakewatershed.org](http://www.redlakewatershed.org)

**Secretary**  
LeRoy Ose

**Managers**  
Les Torgerson  
Allan Page  
Brian Dwight

September 6, 2018

Laura Stengrim  
Visit Thief River Falls  
PO Box 176  
Thief River Falls, MN 56701

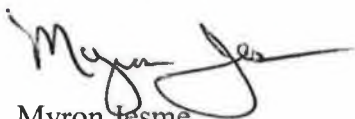
Dear Ms. Stengrim:

The Red Lake Watershed District Board of Managers, unanimously approved at their April 12, 2018 Board meeting, to authorize the inclusion of the Euclid East Impoundment and the Parnell Impoundment as new sites to the Pine to Prairie Birding Trail. Informational kiosks have been installed at both locations; the District welcomes the addition of the Pine to Prairie logo signs on each kiosk.

District impoundments are multi-purpose projects that include enhancing wildlife habitat. We appreciate the opportunity to be included in the Pine to Prairie Birding Trail, and the efforts made for public awareness.

If we can be of further assistance, please do not hesitate to contact me.

Sincerely,




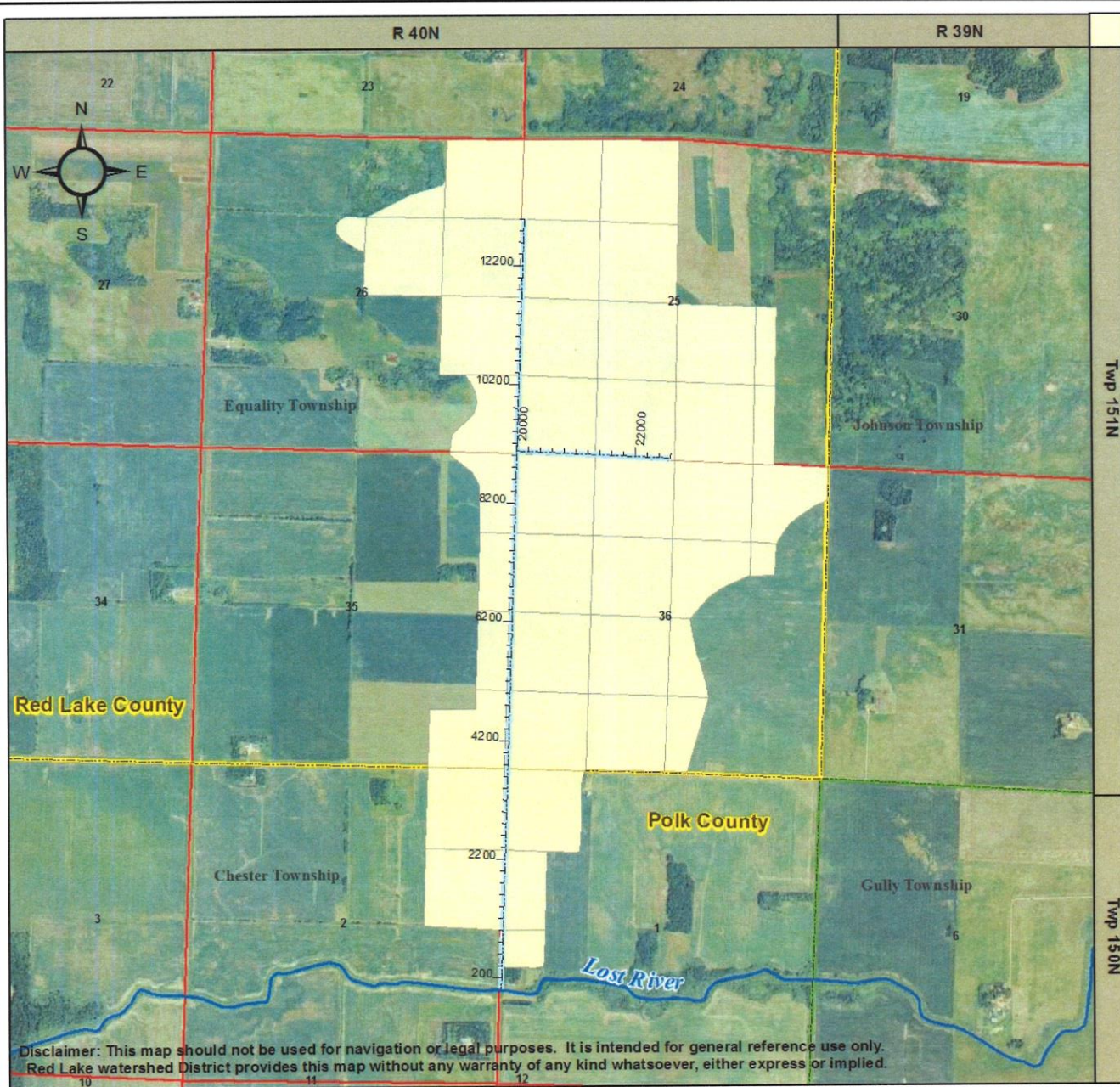
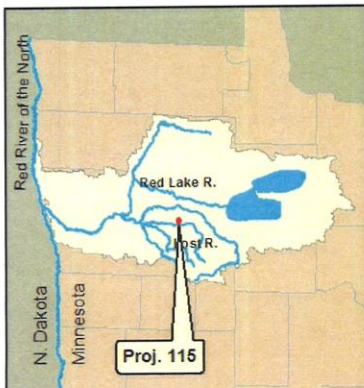
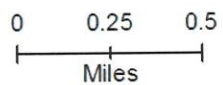
Myron Jesme  
Administrator

MJ/tja



**Red Lake Watershed District**  
**Project 115**  
RLWD Ditch 1  
**Red Lake and Polk Counties**  
Lost River Subwatershed

-  Lost River
-  Project 115
-  Benefitted Area
-  County
-  Township
-  Section



# Ditch 1 Project 115

Chester Township, Polk County

6

136

**Red Star** means that the culvert and/or flap gate is damaged

**Yellow line** indicates a side water inlet exists



# Ditch 1 Project 115

Equality Township, Red Lake County

21

**Red Star** means that the culvert and/or flap gate is damaged  
**Yellow line** indicates a side water inlet exists



6

136





# Ditch 1 Project 115

Equality Township, Red Lake County

135

Se350th Ave

Se210th St

21

136

Red Star means that the culvert and/or flap gate is damaged

Yellow line indicates a side water inlet exists

Google Earth

©2018 Google



2000 ft



STA 125+02



STA 63+75



STA 105+64

# Ditch 1 Project 115

- There are a total of 19 side water inlets in the system
- A total of 9 side water inlets are damaged.
  - 6 culverts need gate replacement
  - 3 culverts need gate and part of the pipe replaced.
- Wayne Vettleson stopped and spoke with me, asking if the culverts could have markers.

## Culvert Markers

- Easy, fast installation directly onto metal or plastic with a drill and 2 self-tapping screws.
  - Durable fiberglass rod secured in spring, returns to upright position after being hit.
  - Company: High Country Ag Marketing out of Whitehall, MT
  - Come in 4 foot or 5 foot rods
    - 4 ft option (38 markers @ \$6.85 + \$1.10 for tape)
      - With no tape \$260.30
      - With reflective tape \$320.10
    - 5 ft option (38 markers @ \$7.95 + \$1.10 for tape)
      - With no tape \$302.10
      - With reflective tape \$343.90
- \*\*Plus shipping\*\***



## Benefits of Markers

- Inspection
  - Easy to id culverts in thick vegetation
  - Easy to id culverts under sediment
- Safety
  - Easy to id culverts under water
  - Easy for others such as snowmobilers to id culverts
- Mowers
  - Easy for mowers to id culverts while mowing
  - Decreases the chances of culverts and flap gates being damaged

## Estimated Costs of Flap gates

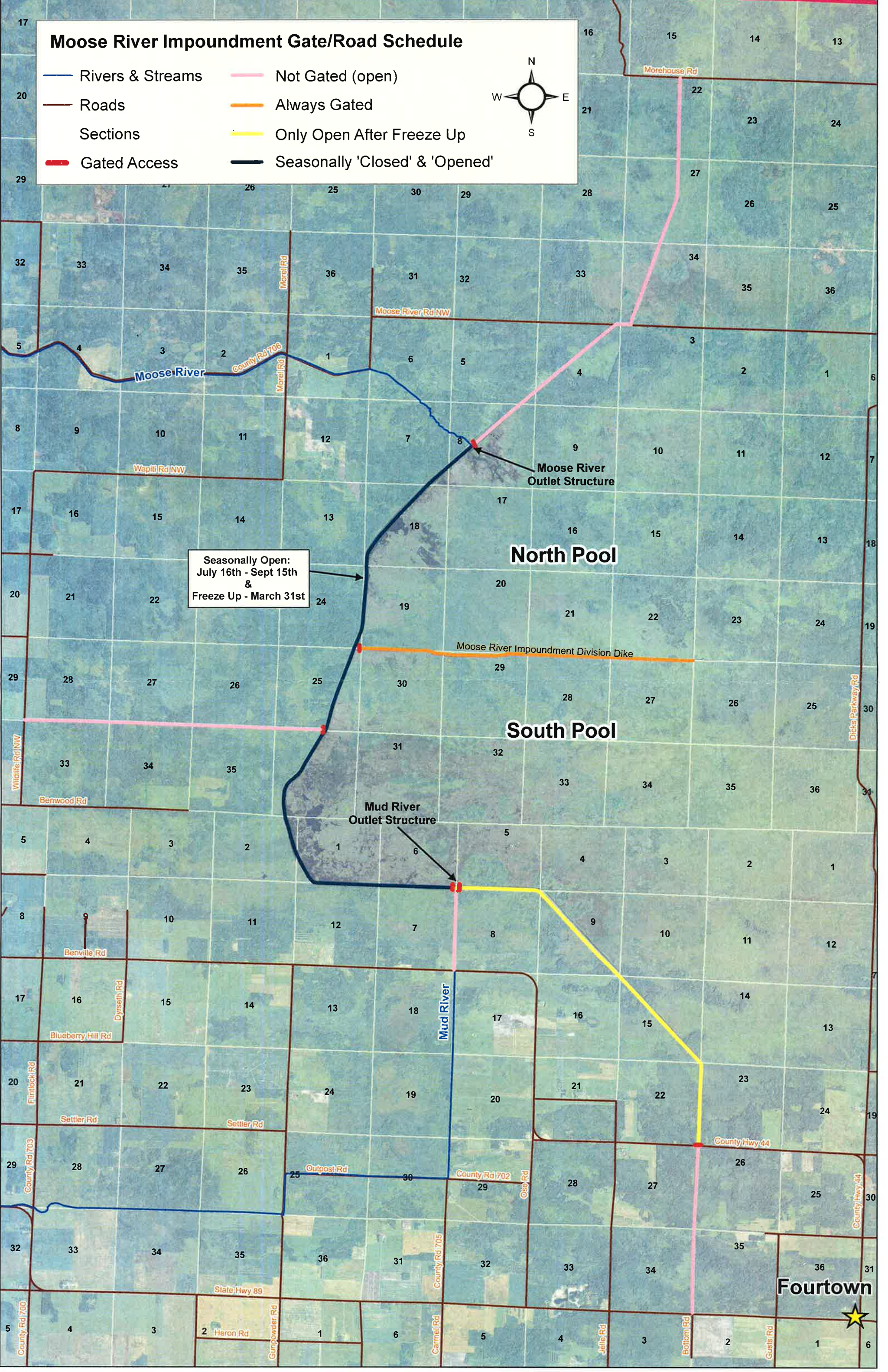
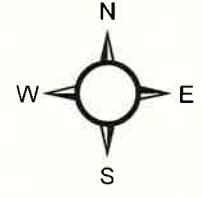
- 15" ~ \$294.00 each
- 18" ~ \$358.00 each
- 24" ~ \$417.00 each

For the Ditch 1 Project 115 system

- 7 gates 15" would cost around \$2,058
- 2 gates 18" would cost around \$716.00

# Moose River Impoundment Gate/Road Schedule

- Rivers & Streams
- Roads
- Sections
- Gated Access
- Not Gated (open)
- Always Gated
- Only Open After Freeze Up
- Seasonally 'Closed' & 'Opened'



Minnesota Department of Natural Resources  
Ecological and Water Resources  
246 125<sup>th</sup> Ave. NE  
Thief River Falls, MN 56701

August 24, 2018

Mr. Tony Bachand  
24063 275<sup>th</sup> Avenue SE  
Brooks, MN 56715

**RE: Well Interference Investigation, Water Appropriation Permits 2014-0733, 2015-0699, 2015-2563 and 2016-0375 in Red Lake County**

Dear Mr. Bachand,

On August 20, 2018, the Minnesota DNR received a water well-interference complaint form from a homeowner whose property is located near the irrigation water sources for the above mentioned permits located in Sections 16, and 25 of Lambert Township in Red Lake County. This letter is to inform you that the DNR is currently investigating this well-interference complaint.

The DNR Water Appropriation Permits referenced above were issued between April 2014 and May 2017 with recent amendments done in 2018. Your 2014-0733 permit is authorized to appropriate 45.6 MGY of ground water to irrigate 140 acres of land. Your 2015-0699 permit is authorized to appropriate 90 MGY of ground water to irrigate 405 acres of land, your permit 2015-2563 is authorized to appropriate 75.0 MGY of ground water to irrigate 230 acres of land, and your 2016-0375 permit is authorized to appropriate 37 MGY of ground water to irrigate 112 acres of land.

The Water Use Conflict condition contained in your permits outlines the process that the DNR will follow if there is a well interference complaint submitted in the area of your irrigation well.

The homeowner has temporarily resolved the out of water situation and now has water available to their home. Therefore, the DNR is *not* suspending the above mentioned permits. However, the DNR will continue to investigate the situation to determine the responsible party of the out-of-water problem.

To help with our investigation, the DNR is requesting the following information for all permits:

- Pump start and stop date and time, if available
- Monthly volume of water appropriated and pumping rate

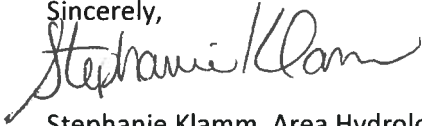
When a determination has been made for the cause of the out-of-water complaint, the responsible party/parties will need to make a settlement offer to the impacted homeowner. A well interference fact sheet



has been enclosed to help provide more information regarding the well interference complaint and the settlement process.

Please contact us if you have any questions regarding the well interference process. If you have questions you may contact Bob Guthrie (218) 732-8960 x224, [robert.guthrie@state.mn.us](mailto:robert.guthrie@state.mn.us) or me at the number listed below.

Sincerely,



Stephanie Klamm, Area Hydrologist  
Division of Ecological & Water Resources  
(218) 681-0947  
[stephanie.klamm@state.mn.us](mailto:stephanie.klamm@state.mn.us)

cc:

Carmelita Nelson, Well Interference Coordinator, DNR EWR  
Tom Hovey, Water Regulations Unit Supervisor, DNR EWR  
Nathan Kestner, Regional Manager, DNR EWR  
Ellen Considine, Hydrologist Supervisor, DNR EWR  
Bob Guthrie, Groundwater Appropriation Hydrologist, DNR EWR  
Jennifer Rose, Groundwater Specialist, DNR EWR  
Tom Groshens, District Manager, DNR EWR  
Tanya Hanson, Administrator, Red Lake County SWCD



Minnesota Department of Natural Resources  
Ecological and Water Resources  
246 125<sup>th</sup> Avenue NE  
Thief River Falls, MN 56701

August 24, 2018

Mr. Michael Voxland  
29870 290<sup>th</sup> Street SE  
McIntosh, MN 56556

**RE: Well Interference Investigation, Water Appropriation Permit 2014-0727 in Polk County**

Dear Mr. Voxland,

On August 20, 2018, the Minnesota DNR received a water well-interference complaint form from a homeowner whose property is located near the irrigation water sources for the above mentioned permit located in Section 12 of Lessor Township in Polk County. This letter is to inform you that the DNR is currently investigating this well interference complaint.

The DNR Water Appropriation Permit reference above was issued in May 2014. Your 2014-0727 permit is authorized to appropriate 42 MGY of ground water to irrigate 128 acres of land.

The Water Use Conflict condition contained in the 2014-0727 permit outlines the process that the DNR will follow if there is a well interference complaint submitted in the area of your irrigation well.

The homeowner has temporarily resolved the out of water situation and now has water available to their home. Therefore, the DNR is *not* suspending the above mentioned permit. However, the DNR will continue to investigate the situation to determine the responsible party of the out-of-water problem.

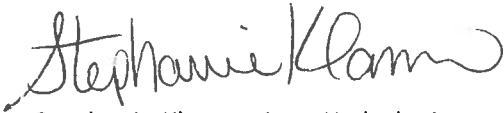
To help with our investigation, the DNR is requesting the following information:

- Pump start and stop date and time for each irrigation cycle
- Volume of water appropriated and pumping rate for each irrigation cycle.

When a determination has been made for the cause of the out-of-water complaint, the responsible party/parties will need to make a settlement offer to the impacted homeowner. A well interference fact sheet has been enclosed to provide you with more information about the well interference complaint and settlement process.

Please contact us if you have any questions regarding the well interference process. If you have questions you may contact Bob Guthrie (218) 732-8960 x224, [robert.guthrie@state.mn.us](mailto:robert.guthrie@state.mn.us) or me at the number listed below.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Klamm". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephanie Klamm, Area Hydrologist  
Division of Ecological & Water Resources  
(218) 681-0947  
[stephanie.klamm@state.mn.us](mailto:stephanie.klamm@state.mn.us)

cc:

Carmelita Nelson, Well Interference Coordinator, DNR EWR  
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Tom Groshens, District Manager, DNR EWR  
Tanya Hanson, Administrator, Red Lake County SWCD

**Minnesota Department of Natural Resources  
Ecological and Water Resources  
246 125<sup>th</sup> Ave. NE  
Thief River Falls, MN 56701**

August 24, 2018

Mr. Darrell Tougas  
301 Main Street  
Oklee, MN 56742

**RE: Well Interference Investigation, Water Appropriation Permit 1984-1111 in Red Lake County**

Dear Mr. Tougas,

On August 20, 2018, the Minnesota DNR received a water well interference complaint form from a homeowner whose property is located near the city's water sources for the above mentioned permit located in Section 1 of Lambert Township in Red Lake County. This letter is to inform you that the DNR is currently investigating this well interference complaint.

The DNR Water Appropriation Permit listed above was issued in April of 2000. Your 1984-1111 permit is authorized to appropriate 18 MGY of ground water to supply the City of Oklee residents with drinking water.

The homeowner has temporarily resolved the out of water situation and now has water available to their home. Therefore, the DNR is *not* suspending the above mentioned permit. However, the DNR will continue to investigate the situation to determine the responsible party of the out-of-water problem.

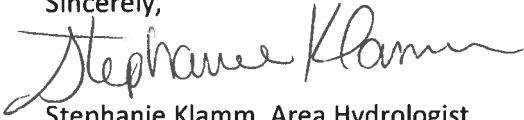
To help with our investigation, the DNR is requesting the following information:

- Pump start and stop date and time, if available
- Monthly volume of water used and pumping rate

When a determination has been made for the cause of the out-of-water complaint, the responsible party/parties will need to make a settlement offer to the impacted homeowner. A well interference fact sheet has been enclosed to help provide more information regarding the well interference complaint and the settlement process.

Please contact us if you have any questions regarding the well interference process. If you have questions you may contact Bob Guthrie (218) 732-8960 x224, [robert.guthrie@state.mn.us](mailto:robert.guthrie@state.mn.us) or me at the number listed below.

Sincerely,



Stephanie Klamm, Area Hydrologist  
Division of Ecological & Water Resources  
(218) 681-0947

[stephanie.klamm@state.mn.us](mailto:stephanie.klamm@state.mn.us)

cc:

Carmelita Nelson, Well Interference Coordinator, DNR EWR  
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Tom Groshens, District Manager, DNR EWR  
Tanya Hanson, Administrator, Red Lake County SWCD

Minnesota Department of Natural Resources  
Ecological and Water Resources  
246 125<sup>th</sup> Ave. NE  
Thief River Falls, MN 56701

August 24, 2018

Mr. Keith Swenson  
29673 Highway 92 SE  
Brooks, MN 56715

**RE: Well Interference Investigation, Water Appropriation Permit 2016-0350 in Red Lake County**

Dear Mr. Swenson,

On August 20, 2018, the Minnesota DNR received a water well interference complaint form from a homeowner whose property is located near the irrigation water sources for the above mentioned permit located in Section 23 of Lambert Township in Red Lake County. This letter is to inform you that the DNR is currently investigating this well interference complaint.

The DNR Water Appropriation Permit listed above was issued in May of 2017. Your 2016-0350 permit is authorized to appropriate 70.6 MGY of water from two dug pits to irrigate 260 acres of land.

The Water Use Conflict condition contained in the 2016-0350 permit outlines the process that the DNR will follow if there is a well interference complaint submitted in the area of your irrigation well.

The homeowner has temporarily resolved the out of water situation and now has water available to their home. Therefore, the DNR is *not* suspending the above mentioned permit. However, the DNR will continue to investigate the situation to determine the responsible party of the out-of-water problem.

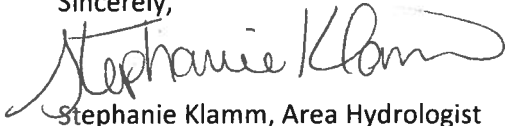
To help with our investigation, the DNR is requesting the following information:

- Pump start and stop date and time, if available
- Monthly volume of water appropriated and pumping rate

When a determination has been made for the cause of the out-of-water complaint, the responsible party/parties will need to make a settlement offer to the impacted homeowner. A well interference fact sheet has been enclosed to help provide more information regarding the well interference complaint and the settlement process.

Please contact us if you have any questions regarding the well interference process. If you have questions you may contact Bob Guthrie (218) 732-8960 x224, [robert.guthrie@state.mn.us](mailto:robert.guthrie@state.mn.us) or me at the number listed below.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Klamm". The signature is fluid and cursive, with the first name being more prominent than the last.

Stephanie Klamm, Area Hydrologist  
Division of Ecological & Water Resources  
(218) 681-0947

[stephanie.klamm@state.mn.us](mailto:stephanie.klamm@state.mn.us)

cc:

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Nathan Kestner, Regional Manager, DNR EWR  
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Tom Groshens, District Manager, DNR EWR  
Tanya Hanson, Administrator, Red Lake County SWCD



Minnesota Department of Natural Resources  
Ecological and Water Resources  
246 125<sup>th</sup> Ave. NE  
Thief River Falls, MN 56701

August 24, 2018

Mr. Brent Strand  
3542 6<sup>th</sup> Street East  
West Fargo, ND 58078

**RE: Well Interference Investigation, Water Appropriation Permit 2015-2249 in Red Lake County**

Dear Mr. Strand,

On August 20, 2018, the Minnesota DNR received a water well interference complaint form from a homeowner whose property is located near the irrigation water source for the above mentioned permit located in Section 31 of Lambert Township in Red Lake County. This letter is to inform you that the DNR is currently investigating this well interference complaint.

The DNR Water Appropriation Permit listed above was issued in June of 2016. Your 2015-2249 permit is authorized to appropriate 76.0 MGY of ground water to irrigate 420 acres of land.

The Water Use Conflict condition contained in the 2015-2249 permit outlines the process that the DNR will follow if there is a well interference complaint submitted in the area of your irrigation well.

The homeowner has temporarily resolved the out of water situation and now has water available to their home. Therefore, the DNR is *not* suspending the above mentioned permit. However, the DNR will continue to investigate the situation to determine the responsible party of the out-of-water problem.

To help with our investigation, the DNR is requesting the following information:

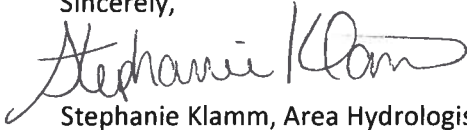
- Pump start and stop date and time, if available
- Monthly volume of water appropriated and pumping rate

When a determination has been made for the cause of the out-of-water complaint, the responsible party/parties will need to make a settlement offer to the impacted homeowner. A well interference fact sheet has been enclosed to help provide more information regarding the well interference complaint and the settlement process.

Please contact us if you have any questions regarding the well interference process. If you have questions you may contact Bob Guthrie (218) 732-8960 x224, [robert.guthrie@state.mn.us](mailto:robert.guthrie@state.mn.us) or me at the number listed below.



Sincerely,



Stephanie Klamm, Area Hydrologist  
Division of Ecological & Water Resources  
(218) 681-0947  
[stephanie.klamm@state.mn.us](mailto:stephanie.klamm@state.mn.us)

cc:

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Tom Hovey, Water Regulations Unit Supervisor, DNR EWR  
Nathan Kestner, Regional Manager, DNR EWR  
Ellen Considine, Hydrologist Supervisor, DNR EWR  
Bob Guthrie, Groundwater Appropriation Hydrologist, DNR EWR  
Jennifer Rose, Groundwater Specialist, DNR EWR  
Tom Groshens, District Manager, DNR EWR  
Tanya Hanson, Administrator, Red Lake County SWCD



Minnesota Department of Natural Resources  
Ecological and Water Resources  
246 125<sup>th</sup> Ave. NE  
Thief River Falls, MN 56701

August 24, 2018

Mr. Alex Yaggie  
PO Box 202  
Plummer, MN 56701

**RE: Well Interference Investigation, Water Appropriation Permit 2012-1282 in Red Lake County**

Dear Mr. Yaggie,

On August 20, 2018, the Minnesota DNR received a water well interference complaint form from a homeowner whose property is located near the irrigation water source for the above mentioned permit located in Section 36 of Poplar River Township in Red Lake County. This letter is to inform you that the DNR is currently investigating this well interference complaint.

The DNR Water Appropriation Permit listed above was issued in July of 2012. Your 2012-1282 permit is authorized to appropriate 51.5 MGY of ground water to irrigate 135 acres of land.

The Water Use Conflict condition contained in the 2012-1282 permit outlines the process that the DNR will follow if there is a well interference complaint submitted in the area of your irrigation well.

The homeowner has temporarily resolved the out of water situation and now has water available to their home. Therefore, the DNR is *not* suspending the above mentioned permit. However, the DNR will continue to investigate the situation to determine the responsible party of the out-of-water problem.

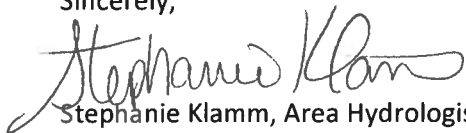
To help with our investigation, the DNR is requesting the following information:

- Pump start and stop date and time, if available
- Monthly volume of water appropriated and pumping rate

When a determination has been made for the cause of the out-of-water complaint, the responsible party/parties will need to make a settlement offer to the impacted homeowner. A well interference fact sheet has been enclosed to help provide more information regarding the well interference complaint and the settlement process.

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Sincerely,

Handwritten signature of Stephanie Klamm in black ink.

Stephanie Klamm, Area Hydrologist  
Division of Ecological & Water Resources  
(218) 681-0947

[stephanie.klamm@state.mn.us](mailto:stephanie.klamm@state.mn.us)

cc:

Carmelita Nelson, Well Interference Coordinator, DNR EWR

Tom Hovey, Water Regulations Unit Supervisor, DNR EWR

Nathan Kestner, Regional Manager, DNR EWR

Ellen Considine, Hydrologist Supervisor, DNR EWR

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Tom Groshens, District Manager, DNR EWR

Tanya Hanson, Administrator, Red Lake County SWCD

Minnesota Department of Natural Resources  
Ecological and Water Resources  
246 125<sup>th</sup> Ave. NE  
Thief River Falls, MN 56701

August 23, 2018

Mr. William Hess  
27469 280<sup>th</sup> Avenue SE  
Brooks, MN 56715

**RE: Well Interference Investigation, Water Appropriation Permit 2014-1853 in Red Lake County**

Dear Mr. Hess,

On August 20, 2018, the Minnesota DNR received a water well interference complaint form from a homeowner whose property is located near the irrigation water source for the above mentioned permit located in Section 34 of Lambert Township in Red Lake County. This letter is to inform you that the DNR is currently investigating this well interference complaint.

The DNR Water Appropriation Permit listed above was issued in March 2016. Your 2014-1853 permit is authorized to appropriate 20 MGY of ground water to irrigate 150 acres of land.

The Water Use Conflict condition contained in the 2014-1853 permit outlines the process that the DNR will follow if there is a well interference complaint submitted in the area of your irrigation well.

The homeowner has temporarily resolved the out of water situation and now has water available to their home. Therefore, the DNR is *not* suspending the above mentioned permit. However, the DNR will continue to investigate the situation to determine the responsible party of the out-of-water problem.

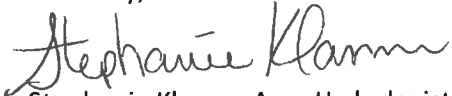
To help with our investigation, the DNR is requesting the following information:

- Pump start and stop date and time, if available
- Monthly volume of water appropriated and pumping rate

When a determination has been made for the cause of the out-of-water complaint, the responsible party/parties will need to make a settlement offer to the impacted homeowner. A well interference fact sheet has been enclosed to help provide more information regarding the well interference complaint and the settlement process.

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Sincerely,



Stephanie Klamm, Area Hydrologist  
Division of Ecological & Water Resources  
(218) 681-0947

[stephanie.klamm@state.mn.us](mailto:stephanie.klamm@state.mn.us)

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Jennifer Rose, Groundwater Specialist, DNR EWR  
Tom Groshens, District Manager, DNR EWR  
Tanya Hanson, Administrator, Red Lake County SWCD

RED LAKE WATERSHED DISTRICT  
SUBSURFACE TILE DRAINAGE APPLICATION

Date: 9-6-2018

Applicant Name: David Balstad

Contact Address: 45713 255TH AVE SE Phone: 218-938-4400

Is applicant landowner?  (Y)  (N) (if no, list landowner & ph. #): WINGER MN 56592

Name of designer: Field Drainage, Inc Phone: 218-698-4628

Name of installer: Field Drainage, Inc Phone: 11 11

Legal description and site map and/or GPS coordinates to accurate scale showing location of all tiles, surface water inlets, outlet(s), lift stations, pumps, and flow control devices; (att.maps): T149 R41 S34

Land area to be tiled (acres): 65.0 Lessor Twp. Polk County

Type of tiling (circle) Pattern Tile  Random Tile

Type of outlet (circle) Lift Station/Pump  Gravity  Other \_\_\_\_\_

Date proposed plan submitted: Month 9 Day 6 Year 2018

Pump/lift station outlet flow capacity (GPM) \_\_\_\_\_

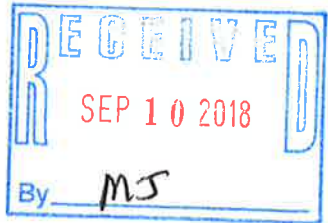
- All subsurface tile drainage systems must protect from erosion and include RLWD approved erosion control measures.
- All subsurface tile outlets including lift station pumps, must be located out of a legal drainage system and governmental roadway right of way unless approved by District and must be visibly marked.
- It is recommended that after harvest, tile outlet controls, including lift station pumps, be opened or turned on to remove water from the system unless downstream culverts are freezing.
- Obtaining a permit from the RLWD Managers does not relieve the applicant from the responsibility of obtaining any other additional authorization or permits required by law. (Ex: NRCS, SWCD, Township, County, State, etc.)
- Upon completion of the project, "As Built" plans must be provided to the District.
- Consideration must be made for turning off pumps for short period of times during the summer so maintenance can be performed on public, legal and private drainageways, such as road ditches or private natural field drains.

EXHIBITS. The following exhibits may be requested to accompany the permit application. Two copies, (standard paper size of 8.5 inches by 11 inches), which include:

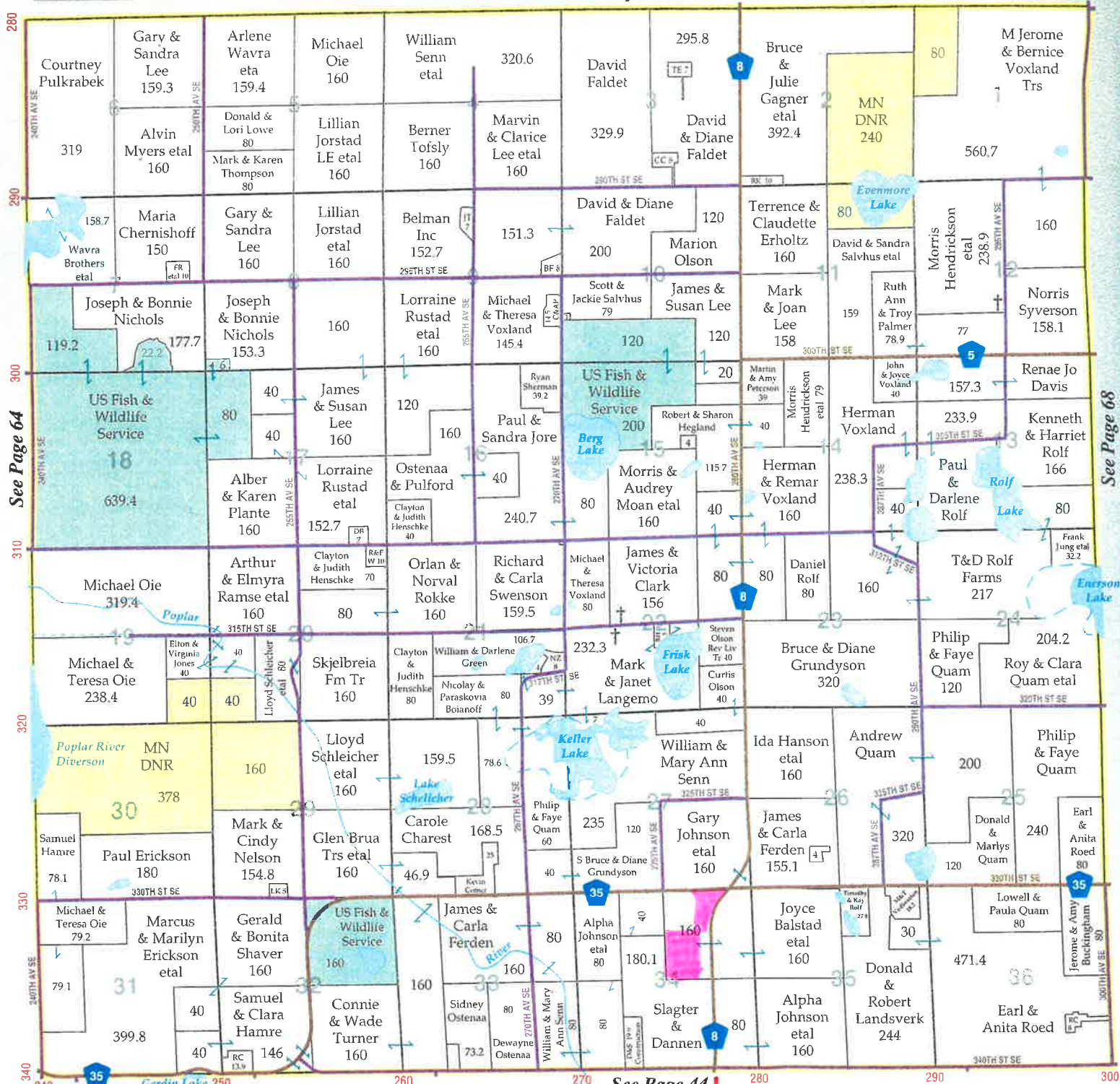
Signature of Owner or Authorized Agent David Balstad

RLWD staff use:  
Permit # 18112 Date received: 9/10/18

Drain tile outlets to: \_\_\_\_\_  
Legal System (Benefited Area): \_\_\_\_\_  
Culvert size upstream and downstream of tile outlet: \_\_\_\_\_



Red Lake County



See Page 64

See Page 68

See Page 42 +

See Page 44

# KROX

the Voice of the Valley  
**1260**

4 MI. TO  
McINTOSH



208 S Main PO Box 620  
Crookston, MN 56716

Phone: 218-281-1140  
Fax: 218-281-5036

www.kroxam.com

David Dale Balsted  
Lessor 34 NE W80  
lessor\_34\_ne NEZ



— 04 inch Pipe - 14130 ft  
— 6 inch Main - 2037 ft  
— 8 inch Main - 619 ft







Permit # 18-092

Status Report: **Approved**

**Applicant Information**

Name	Organization	Address	Email	Phone Number(s)
Tyler Zimmerman		19865 County Hwy 82 Fergus Falls, MN 56537		tel:218-849-7719 mobile: fax:

**General Information**

(1) The proposed project is a:

**Wetland Restoration or Other Water Retention Related Structures**

(2) Legal Description

(3) County: **Red Lake** Township: **Equality** Range: **40** Section: **13 1/4: NE1/4, SE1/4**

(4) Describe in detail the work to be performed. **Restoration of 18 wetland sites by filling ditches, removing sediment within wetlands and spreading across uplands and constructing small dikes.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **These activities are necessary in order to restore the wetlands to there historical state.**

**Status**

Status	Notes	Date
<b>Approved</b>	<b>None</b>	<b>Sept. 13, 2018</b>
Received	None	Aug. 20, 2018

**Conditions**

**P.A. #18092 Red Lake Watershed District (RLWD) approval of Wetland Restoration project as per the Pheasants Forever, Inc. statement of work and plan sheets submitted with permit application. Proposed work shall not adversely impact adjacent landowners.**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-093

Status Report: **Approved**

### Applicant Information

Name	Organization	Address	Email	Phone Number(s)
Dennis DeBoer	DeBoer JV	29674 270th Street SW Crookston, MN 56716		tel: mobile: 218-289-2890 fax:

### General Information

(1) The proposed project is a:

**Culvert Installation / Removal / Modification**

(2) Legal Description

(3) County: **Polk** Township: **Andover** Range: **47** Section: **27 1/4: NE1/4**

(4) Describe in detail the work to be performed. **Installation of 24" x 40' side water inlet culverts.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Prevent head cutting in the adjoining filed and sediment into county ditch.**

### Status

Status	Notes	Date
<b>Approved</b>	<b>None</b>	<b>Sept. 13, 2018</b>
<b>Received</b>	<b>None</b>	<b>Aug. 20, 2018</b>

### Conditions

**P.A. #18093 Red Lake Watershed District (RLWD) approval of the Grade Stabilization Structure project, as per the Natural Resources Conservation Service plan sheets submitted with permit application.**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-094

Status Report: **Approved**

**Applicant Information**

Name	Organization	Address	Email	Phone Number(s)
Earl Pederson		3077 County Hwy 42 Bejou, MN 56516		tel: mobile: 218-790-4106 fax:

**General Information**

(1) The proposed project is a:

**Tiling**

(2) Legal Description

(3) County: **Red Lake** Township: **Lake Pleasant** Range: **44** Section: **12 1/4: S1/2 N1/2**

(4) Describe in detail the work to be performed. **Install pattern tile with lift station.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Drairage**

**Status**

Status	Notes	Date
Approved	None	Sept. 13, 2018
Received	None	Aug. 20, 2018

**Conditions**

**P.A. #18094 The Red Lake Watershed District (RLWD) approves the pattern tile project and lift station. If any work is within a public road and/or public ditch Right-of-Way, applicant shall contact the appropriate road/ditch authority for their approval, and must meet their specs/conditions. Directly downstream of the tile and/or pump station(s) outlets, applicant shall ensure that adequate grade and drainage is provided. ■ Note: Please be aware of, and review the 'bullet points' on the bottom half of the application. For proposed work on lands not owned by applicant, he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1.**

**(1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-095

Status Report: **Approved**

**Applicant Information**

Name	Organization	Address	Email	Phone Number(s)
Curtis Swanson		10370 160th Thief River Falls, MN 56701		tel: mobile: 218-686-3974 fax:

**General Information**

(1) The proposed project is a:

**Tiling**

(2) Legal Description

(3) County: **Pennington** Township: **Bray** Range: **45** Section: **23 1/4: SE1/4 SE1/4**

(4) Describe in detail the work to be performed. **Install tile with gravity flow outlet.**

(5) Why is this work necessary? Explain water related issue/problem being solved.

**Status**

Status	Notes	Date
Approved	None	Sept. 13, 2018
Received	None	Aug. 21, 2018

**Conditions**

**P.A. #18095 The Red Lake Watershed District (RLWD) approves the pattern tile project with a 'gravity' outlet. If any work is within a public road and/or public ditch Right-of-Way, applicant shall contact the appropriate road/ditch authority for their approval, and must meet their specs/conditions. Directly downstream of the tile and/or pump station(s) outlets, applicant shall ensure that adequate grade and drainage is provided. ■ Note: Please be aware of, and review the 'bullet points' on the bottom half of the application. For proposed work on lands not owned by applicant, he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-096

Status Report: **Approved**

**Applicant Information**

Name	Organization	Address	Email	Phone Number(s)
	River Falls Township	10339 150th Avenue SE St. Hilaire, MN 56754		tel:218-686-8307 mobile: fax:

**General Information**

(1) The proposed project is a:

**Culvert Installation / Removal / Modification**

(2) Legal Description

(3) County: **Pennington** Township: **River Falls** Range: **43** Section: **2 1/4: NW1/4**

(4) Describe in detail the work to be performed. **Replace existing 24" culvert**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Existing culvert is rusted out.**

**Status**

Status	Notes	Date
Approved	None	Sept. 13, 2018
Received	None	Aug. 21, 2018

**Conditions**

**P.A. #18096 Pennington Co. Hwy. Dept. – River Falls Twp. – sec. 2 - replace 24" dia. csp centerline culvert with same, at existing flowline elev. - approve**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-097

Status Report: **Approved**

### Applicant Information

Name	Organization	Address	Email	Phone Number(s)
Gary Novak		12065 120th Street SE St. Hilaire, MN 56754		tel: mobile: 218-686-1598 fax:

### General Information

(1) The proposed project is a:

**Culvert Installation / Removal / Modification**

(2) Legal Description

(3) County: **Pennington** Township: **Rocksbury** Range: **43** Section: **30 1/4: NW1/4**

(4) Describe in detail the work to be performed. **Extend field crossing and clean sediment and brush out of ditch.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Brush and sediment are impeding water flow.**

### Status

Status	Notes	Date
Approved	None	Sept. 6, 2018
Received	None	Aug. 21, 2018

### Conditions

**P.A. #18097 Red Lake Watershed District (RLWD) approval to extend existing field entrance culverts and clean township road ditch, as per approval of Rocksbury Township specs/conditions; proposed work is within township road Right-of Way. For proposed work on lands not owned by applicant, he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-098

Status Report: **Approved**

### Applicant Information

Name	Organization	Address	Email	Phone Number(s)
Mitchell Stanley		28063 220th Street NE Goodridge, MN 56725		tel: mobile: 218-689-4940 fax:

### General Information

(1) The proposed project is a:

**Surface Drainage (New Ditch or Improvement)**

(2) Legal Description

(3) County: **Marshall** Township: **Moylan** Range: **40** Section: **8 1/4: E1/2**

(4) Describe in detail the work to be performed. **Clean plugs out of ditch along west side of Hwy 218, between 260th street and 270th.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Ditch has plugs in it. Culverts are at a decent elevation so ditch will drain once clean.**

### Status

Status	Notes	Date
Approved	None	Sept. 6, 2018
Received	None	Aug. 21, 2018

### Conditions

**P.A. #18098 Red Lake Watershed District (RLWD) approval to clean west ditch of state highway as per approval of MnDOT specs/conditions; proposed work is within St. Highway #219 Right-of Way. Contact person at the Crookston MNDOT office is Brad Knutson (218-277-7965) For proposed work on lands not owned by applicant, he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-099

Status Report: **Approved**

**Applicant Information**

Name	Organization	Address	Email	Phone Number(s)
	Polk County Highway Department	820 Old Hwy 75 Crookston, MN 56716		tel:218-281-3952 mobile: fax:

**General Information**

(1) The proposed project is a:

**Culvert Installation / Removal / Modification**

(2) Legal Description

(3) County: **Polk** Township: **Onstad** Range: **45** Section: **22 1/4: NE1/4**

(4) Describe in detail the work to be performed. **Replace existing 95"x67" steel multiplate with 10'x6' PCC box culvert.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Request by Onstad Township. Existing structure is hydraulically deficient.**

**Status**

Status	Notes	Date
<b>Approved</b>	<b>None</b>	<b>Sept. 13, 2018</b>
<b>Received</b>	<b>None</b>	<b>Aug. 22, 2018</b>

**Conditions**

**P.A. #18099 Polk Co. Hwy. Dept. – Onstad Twp. – sec. 22, 23 - remove existing culverts (2) and replace with one 10 x 6 concrete box culvert – (for Onstad Township) - approve**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.





Permit # 18-100

Status Report: **Approved**

### Applicant Information

Name	Organization	Address	Email	Phone Number(s)
John Frahm		PO Box 6 Clear Lake, IA 50428		tel: 515-450-8712 mobile: fax:

### General Information

(1) The proposed project is a:

**Surface Drainage (New Ditch or Improvement)  
Culvert Installation / Removal / Modification**

(2) Legal Description

(3) County: **Pennington** Township: **Goodridge** Range: **40** Section: **16 1/4: SW1/4**

(4) Describe in detail the work to be performed. **Install new entrance for access to property. Clean and slope ditch to the west.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Sold building site. No current access to field.**

### Status

Status	Notes	Date
Approved	None	Sept. 13, 2018
Received	None	Aug. 23, 2018

### Conditions

**P.A. #18100 Red Lake Watershed District (RLWD) approval to install an entrance with an 18 in. diameter culvert, and clean road ditch as per approval of Pennington County specs/conditions; proposed work is in County Road #9 Right-of-Way. Contact persons at Pennington Co. Hwy. Dept. are Engineer Mike Flaagen or Assistant Mike Stennes at 218-683-7017. For proposed work on lands not owned by applicant, For he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-101

Status Report: **Approved**

**Applicant Information**

Name	Organization	Address	Email	Phone Number(s)
Lyle Anderson		28431 400th Avenue NE Grygla, MN 56727		tel: mobile: 218-689-9266 fax:

**General Information**

(1) The proposed project is a:

**Surface Drainage (New Ditch or Improvement)**

**Culvert Installation / Removal / Modification**

(2) Legal Description

(3) County: **Marshall Township: Grand Plain Range: 41 Section: 3 1/4: SW1/4**

(4) Describe in detail the work to be performed. **Install two field crossings with culverts and remove one field crossing. Clean county ditch as necessary.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Access to property and better drainage.**

**Status**

Status	Notes	Date
Approved	None	Sept. 13, 2018
Received	None	Aug. 23, 2018

**Conditions**

**P.A. #18101 Red Lake Watershed District (RLWD) approval to install two separate field entrances, each with a 24 in. diameter culvert, as per approval of both Grand Plain Township specs/conditions; and Marshall County specs/conditions; proposed work is in township road Right-of-Way and Lat. #2 of County Ditch #20 Right-of-Way. Contact person at Marshall Co. Hwy. Dept. is Engineer Lon Aune at 218-745-4381 For proposed work on lands not owned by applicant, For he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-102

Status Report: **Approved**

### Applicant Information

Name	Organization	Address	Email	Phone Number(s)
Craig Stroot		23380 265th Street SW Crookston, MN 56716		tel: mobile: 218-289-3415 fax:

### General Information

(1) The proposed project is a:

**Culvert Installation / Removal / Modification**

(2) Legal Description

(3) County: **Polk** Township: **Brandt** Range: **46** Section: **36 1/4: E1/2 SW1/4**

(4) Describe in detail the work to be performed. **Install field crossing.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **No current access.**

### Status

Status	Notes	Date
Approved	None	Sept. 13, 2018
Received	None	Aug. 27, 2018

### Conditions

**P.A. #18102 Red Lake Watershed District (RLWD) approval to install a field entrance with a 36 in. dia. culvert, as per approval of Polk Co. Hwy. Dept. specs/conditions; proposed work within Polk Co. Road #21 Right-of Way. Contact persons at Polk Co. Hwy. Dept. is Engineer Rich Sanders at 218-281-3952 ext. 8253 or Asst. Engineer Darrin Carlstrom at ext. 8254. For proposed work on lands not owned by applicant, he/she must obtain, in writing, permission from the landowner(s) prior to the start of any work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-103

Status Report: **Approved**

**Applicant Information**

Name	Organization	Address	Email	Phone Number(s)
Michael Gasper		27186 237th Avenue SW Crookston, MN 56701		tel: mobile: 218-289-0076 fax:

**General Information**

(1) The proposed project is a:

**Tiling**

(2) Legal Description

(3) County: **Polk** Township: **Crookston** Range: **46** Section: **28 1/4**:

(4) Describe in detail the work to be performed. **Install pattern tile with gravity outlet**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Improved drainage**

**Status**

Status	Notes	Date
Approved	None	Sept. 13, 2018
Received	None	Aug. 28, 2018

**Conditions**

**P.A. #18103 The Red Lake Watershed District (RLWD) approves the pattern tile project with a 'gravity' outlet. If any work is within a public road and/or public ditch Right-of-Way, applicant shall contact the appropriate road/ditch authority for their approval, and must meet their specs/conditions. Directly downstream of the tile and/or pump station(s) outlets, applicant shall ensure that adequate grade and drainage is provided. ■ Note: Please be aware of, and review the 'bullet points' on the bottom half of the application. For proposed work on lands not owned by applicant, he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-104

Status Report: **Approved**

**Applicant Information**

Name	Organization	Address	Email	Phone Number(s)
Joel Gasper		22779 265th Street SW Crookston, MN 56716		tel: mobile: 218-289-0558 fax:

**General Information**

(1) The proposed project is a:

**Tiling**

(2) Legal Description

(3) County: **Polk** Township: **Crookston** Range: **46** Section: **28 1/4**:

(4) Describe in detail the work to be performed. **Install pattern tile with gravity outlet.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Improved drainage.**

**Status**

Status	Notes	Date
<b>Approved</b>	<b>None</b>	<b>Sept. 13, 2018</b>
Received	None	Aug. 28, 2018

**Conditions**

**P.A. #18104** The Red Lake Watershed District (RLWD) approves the pattern tile project with a 'gravity' outlet. If any work is within a public road and/or public ditch Right-of-Way, applicant shall contact the appropriate road/ditch authority for their approval, and must meet their specs/conditions. Directly downstream of the tile and/or pump station(s) outlets, applicant shall ensure that adequate grade and drainage is provided. ■ **Note: Please be aware of, and review the 'bullet points' on the bottom half of the application. For proposed work on lands not owned by applicant, he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-106

Status Report: **Approved**

**Applicant Information**

Name	Organization	Address	Email	Phone Number(s)
Philip Quam		29491 320th Street SE McIntosh, MN 56556		tel: mobile: 218-280-0122 fax:

**General Information**

(1) The proposed project is a:

**Culvert Installation / Removal / Modification**

(2) Legal Description

(3) County: Polk Township: Badger Range: 42 Section: 3 1/4: SE1/4

(4) Describe in detail the work to be performed. **Clean township road ditch-west side of 220th Avenue SE and North side of 290th Street SE. Remove two field entrances that are not needed. Install 18" culvert in abandoned driveway entrance.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Provide better ag land drainage.**

**Status**

Status	Notes	Date
Approved	None	Sept. 13, 2018
Received	None	Sept. 4, 2018

**Conditions**

**P.A. #18106 Red Lake Watershed District (RLWD) approval to remove two existing field entrances, install an 18 in. diameter culvert and clean township road ditches, as per approval of Badger Township specs/conditions; proposed work is within township road Right-of Way. Applicant must also contact and obtain approval from the Pipeline Co. prior to any work. (proposed work passes over the pipeline near stations 16+05 – 16+90) The RLWD has performed a profile survey, and provided the applicant with copies to assist with ditch grades for excavation. All excavation shall be consistent with the existing road and ditch slopes and there shall be no vertical excavation faces. Existing drainage/flow patterns shall not be changed or diverted. For proposed work on lands not owned by applicant, he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-107

Status Report: **Approved**

**Applicant Information**

Name	Organization	Address	Email	Phone Number(s)
Philip Quam		29491 320th Street SE McIntosh, MN 56556		tel: mobile: 218-280-0122 fax:

**General Information**

(1) The proposed project is a:

**Surface Drainage (New Ditch or Improvement)**

(2) Legal Description

(3) County: **Polk** Township: **Badger** Range: **42** Section: **4 1/4: SW1/4, NW1/4**

(4) Describe in detail the work to be performed. **Clean township road ditch (290th Street SE and 200th Avenue SE).**

(5) Why is this work necessary? Explain water related issue/problem being solved. **To direct partial flow in road ditch rather than all flow across corner of agriculture field.**

**Status**

Status	Notes	Date
<b>Approved</b>	<b>None</b>	<b>Sept. 13, 2018</b>
Received	None	Sept. 4, 2018

**Conditions**

**P.A. #18107 Red Lake Watershed District (RLWD) approval to clean township road ditches, as per approval of Badger Township specs/conditions; proposed work is within township road Right-of Way. All excavation shall be consistent with the existing road and ditch slopes and there shall be no vertical excavation faces. For proposed work on lands not owned by applicant, he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-108

Status Report: **Approved**

**Applicant Information**

Name	Organization	Address	Email	Phone Number(s)
Luke Forness		16526 170th Avenue SW Red Lake Falls, MN 56750		tel:218-521-0442 mobile: fax:

**General Information**

(1) The proposed project is a:

**Culvert Installation / Removal / Modification**

(2) Legal Description

(3) County: **Red Lake** Township: **Louisville** Range: **45** Section: **29** 1/4: **SW1/4**

(4) Describe in detail the work to be performed. **Install culvert and field approach.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **No southern road field access.**

**Status**

Status	Notes	Date
Approved	None	Sept. 13, 2018
Received	None	Sept. 4, 2018

**Conditions**

**P.A. #18108 Red Lake Watershed District (RLWD) approval to install a field entrance and 18 in. diameter culvert as per approval of Louisville Township specs/conditions; proposed work is within township road Right-of Way. For proposed work on lands not owned by applicant, he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.





Permit # 18-109

Status Report: **Approved**

**Applicant Information**

Name	Organization	Address	Email	Phone Number(s)
Philip Olson		22589 300th Avenue NW Warren, MN 56762		tel: mobile: 218-686-1131 fax:

**General Information**

(1) The proposed project is a:

**Tiling**

(2) Legal Description

(3) County: **Polk** Township: **Brandt** Range: **46** Section: **26** 1/4:

(4) Describe in detail the work to be performed. **Install random tile with gravity outflow.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Drain tile is needed to increase agricultural production.**

**Status**

Status	Notes	Date
Approved	None	Sept. 13, 2018
Received	None	Sept. 7, 2018

**Conditions**

**P.A. #18109 The Red Lake Watershed District (RLWD) approves the pattern tile project with a 'gravity' outlet. If any work is within a public road and/or public ditch Right-of-Way, applicant shall contact the appropriate road/ditch authority for their approval, and must meet their specs/conditions. Directly downstream of the tile and/or pump station(s) outlets, applicant shall ensure that adequate grade and drainage is provided. ■ Note: Please be aware of, and review the 'bullet points' on the bottom half of the application. For proposed work on lands not owned by applicant, he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-110

Status Report: **Approved**

**Applicant Information**

Name	Organization	Address	Email	Phone Number(s)
	Lessor Township	27495 315th Street SE McIntosh, MN 56556		tel: mobile: 218-280-0524 fax:

**General Information**

(1) The proposed project is a:

**Culvert Installation / Removal / Modification**

(2) Legal Description

(3) County: **Polk** Township: **Lessor** Range: **41** Section: **16 1/4: NW1/4, NE1/4**

(4) Describe in detail the work to be performed. **Install 18" centerline road culvert.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Poor roadside drainage.**

**Status**

Status	Notes	Date
<b>Approved</b>	<b>None</b>	<b>None</b>
<b>Received</b>	<b>None</b>	<b>Sept. 7, 2018</b>

**Conditions**

**P.A. #18110 Lessor Twp. – Polk Co. - sec. 16 - Install 18” dia. csp centerline culvert - approve**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-111

Status Report: **Approved**

### Applicant Information

Name	Organization	Address	Email	Phone Number(s)
Scott Tersteeg		80829 County Road #13 Olivia, MN 56277		tel:320-579-0314 mobile: fax:

### General Information

(1) The proposed project is a:

**Culvert Installation / Removal / Modification**

(2) Legal Description

(3) County: **Polk** Township: **Badger** Range: **42** Section: **6 1/4: NE1/4**

(4) Describe in detail the work to be performed. **Install entrance and 24" culvert in south road ditch of County Hwy #49.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Need access to bin site.**

### Status

Status	Notes	Date
<b>Approved</b>	<b>None</b>	<b>Sept. 13, 2018</b>
Received	None	Sept. 7, 2018

### Conditions

**P.A. #18111 Red Lake Watershed District (RLWD) approval to install an entrance with a 24 in. diameter culvert, as per approval of Red Lake County specs/conditions; proposed work is in County Road #49 Right-of-Way. (County line hwy. Red Lk. and Polk Co.) Contact person at Red Lake Co. Hwy. Dept. is Randy Konickson at 218-253-2697. For proposed work on lands not owned by applicant, For he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-113

Status Report: **Approved**

### Applicant Information

Name	Organization	Address	Email	Phone Number(s)
Kyle Haake		36171 210th Street SW Fisher, MN 56723		tel:701-739-1063 mobile: fax:

### General Information

- (1) The proposed project is a:  
**Culvert Installation / Removal / Modification**
- (2) Legal Description
- (3) County: **Polk** Township: **Nesbit** Range: **48** Section: **33 1/4: NW1/4 SW1/4**
- (4) Describe in detail the work to be performed. **Install field crossing with culvert.**
- (5) Why is this work necessary? Explain water related issue/problem being solved. **Access to field.**

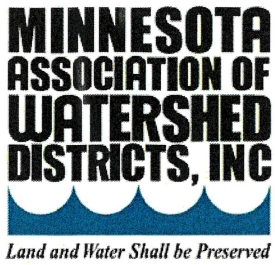
### Status

Status	Notes	Date
<b>Approved</b>	<b>None</b>	<b>Sept. 13, 2018</b>
Received	None	Sept. 11, 2018

### Conditions

**P.A. #18113 Red Lake Watershed District (RLWD) approval to install two field entrances; one with an 18 in. diameter culvert and one with a 24 in. diameter culvert, as per approval of Nesbit Township specs/conditions; proposed work is within township road Right-of Way. For proposed work on lands not owned by applicant, he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)**

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



# 2018 MAWD Resolutions

## Background Information

Proposing District: Wild Rice Watershed District

Contact Name: Kevin Ruud

Phone Number: 218-784-5501 Cell 218-784-8463

Email Address: [kevin@wildricewatershed.org](mailto:kevin@wildricewatershed.org)

Resolution Title: Resolution of the Wild Rice Watershed District Board of Managers to Increase the Manager's Per Diem

Background that led to the submission of this resolution:

1. This resolution is created to request and increase in the current \$75 per day compensation limit (plus reimbursement for traveling and other necessary expenses incurred in the performance of official duties) for managers attendance at meetings and for performance of other necessary duties per Minn. Stat. section 103D.315. In our opinion, the rate has not been increased for many years and is now unrealistically low considering the WRWD managers spend approximately 1/2 day for each regular meeting in many instances.
2. That an increase in the per day compensation limit for managers attendance at meetings and for the performance of other necessary duties should be increased by the Minnesota legislature to \$100 per day will encourage qualified persons to serve as managers and provide a more adequate (albeit still minimal) level of compensation.

Ideas for how this issue could be solved:

The WRWD requests the Minnesota Association of Watershed Districts pass a resolution at its 2018 annual meeting to seek legislative authority to amend Minn. Stat. section 103D.315, Subd. 8 as follows: **"Subd. 8. Compensation.** The compensation of managers for meetings and for performance of other necessary duties may not exceed \$100 per day. Managers are entitled to reimbursement for traveling and other necessary expenses incurred in the performance of official duties."

Anticipated support or opposition from other governmental units?

Support from other Watersheds.

This issue is of importance to (Check one)

- To the entire state  \_\_\_\_\_
- Only our region  \_\_\_\_\_
- Only our district  \_\_\_\_\_

# Wild Rice Watershed District

11 5th Ave East · Ada MN 56510 · Phone (218) 784-5501 · Fax (218) 784-2459 · www.wildricewatershed.org

## Resolution of the Wild Rice Watershed District Board of Managers to Increase the Manager's Per Diem

A meeting of the Wild Rice Watershed District Board of Managers (WRWD) was held on July 18, 2018, at the WRWD main office at 11 5<sup>th</sup> Ave E, Ada, MN, with a quorum of the managers present.

**WHEREAS**, the current \$75 per day compensation limit (plus reimbursement for traveling and other necessary expenses incurred in the performance of official duties) for managers attendance at meetings and for performance of other necessary duties per Minn. Stat. section 103D.315 has not been increased for many years and is unrealistically low considering the WRWD managers spend approximately ½ day for each regular meeting; and

**WHEREAS**, the WRWD concludes that an increase in the per day compensation limit for managers attendance at meetings and for the performance of other necessary duties should be increased by the Minnesota legislature to \$100 per day will encourage qualified persons to serve as managers and provide a more adequate (albeit still minimal) level of compensation.

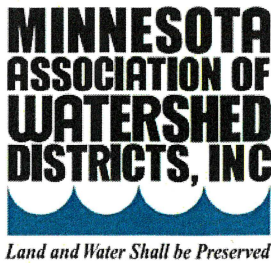
**NOW, THEREFORE**, be it RESOLVED by the WRWD that it should request the Minnesota Association of Watershed Districts pass a resolution at its 2018 annual meeting to seek legislative authority to amend Minn. Stat. section 103D.315, Subd. 8 as follows: "Subd. 8. Compensation. The compensation of managers for meetings and for performance of other necessary duties may not exceed \$100 per day. Managers are entitled to reimbursement for traveling and other necessary expenses incurred in the performance of official duties."

By: [Signature]  
Chair of the WRWD Board of Managers

Date: 7-18-18

Attested: [Signature]  
Secretary of the WRWD Board of Managers

Date: 8-18-18



# 2018 MAWD Resolutions

## Background Information

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Proposing District: Wild Rice Watershed District

Contact Name: Kevin Ruud

Phone Number: 218-784-5501

Email Address: [kevin@wildricewatershed.org](mailto:kevin@wildricewatershed.org)

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Resolution Title: Resolution of the Wild Rice Watershed District Board of Managers to Expand Minn. Stat. 103D.345, Subd. 5 to Include the Department of Natural Resources in Addition to the Department of Transportation

Background that led to the submission of this resolution:

1. Watershed districts are local, special-purpose units of government that work to solve and prevent water-related problems (MAWD Website).
2. While all other government units, such as states, counties and cities have political boundaries, because water knows no boundaries and goes where it wants to, it makes sense to manage natural resources on a watershed basis. This type of management allows for an overall, holistic approach to resource conservation (MAWD Website).
3. Watershed Districts have overall plans that are intended to protect, enhance, manage, and maintain the natural resources of the district in the best interest of the citizens and other stakeholders.
4. Watershed Districts current have rules and permit requirement that are not intended to delay or inhibit development. Rather permits are needed so that the managers are kept informed of planned projects, can advise and in some cases, provide assistance, and can ensure that land disturbing activity and development occurs in an orderly manner and in accordance with the overall plan for the District.
5. The MNDNR owns, operates and maintains wildlife management area and other conservation-oriented property within the WRWD.
6. As part of the operation of this property, the MNDNR periodically does improvements (i.e. wetland restoration, channel modifications,...) on their land without going through the process of obtaining a permit from the WRWD, because they are currently not subject to 103D.345. Without requiring a permit, the watershed managers are not assured of being adequately kept informed of planned projects to ensure that land disturbing activity and development occurs in an orderly manner and in accordance with the overall plan for the District.

Ideas for how this issue could be solved:

1. The WRWD requests the Minnesota Association of Watershed Districts pass a resolution at its 2018 annual meeting to seek legislative authority to amend Minn. Stat. section 103D.345, Subd. 5 as follows: **“Subd. 5. Applicability of permit requirements to state.** A rule adopted by the managers that requires a permit for an activity applies to the Department of Transportation and Department of Natural Resources.”

Anticipated support or opposition from other governmental units?

We would anticipate support from watersheds and opposition from the MNDNR

This issue is of importance to (Check one)

- To the entire state      \_\_\_\_\_
- Only our region         \_\_\_\_\_
- Only our district        \_\_\_\_\_

Minnesota Association of Watershed Districts | 18681 Lake Drive East | Chanhassen MN 55317 | 612-790-0700  
[www.mnwatershed.org](http://www.mnwatershed.org)



# Wild Rice Watershed District

11 5th Ave East · Ada MN 56510 · Phone (218) 784-5501 · Fax (218) 784-2459 · www.wildricewatershed.org

## Resolution of the Wild Rice Watershed District Board of Managers to Expand Minn. Stat. §103D.345, Subd. 5 to Include the Department of Natural Resources in Addition to the Department of Transportation

A meeting of the Wild Rice Watershed District Board of Managers (WRWD) was held on July 18, 2018 at the WRWD main office at 11 5th Ave E. in Ada, MN, with a quorum of the managers present.

**WHEREAS**, discussion was had that the Minnesota Department of Natural Resources has engaged in certain activity on property owned by the DNR which would require a permit for such activity as being within the scope of an existing rule of the WRWD, but the DNR asserts its position that it is exempt from obtaining any such permit, and

**WHEREAS**, the WRWD has concerns that the non-permitted work being done by the DNR on its property impacts other property owners/residents within the WRWD resulting in such impacted property owners/residents having no recourse for water flowing, seeping, or otherwise being cast upon such other owners/residents, and

**WHEREAS**, the WRWD desires that Minn. Stat. § 103D.345, Subd. 5 which pertains to the applicability of watershed permit requirements to the state and provides that a rule adopted by the managers that requires a permit for an activity applies to the Department of Transportation should be expanded to include the Minnesota Department of Natural Resources.

NOW, THEREFORE, be it Resolved by the WRWD Board of Managers that it requests the Minnesota Association of Watershed Districts (MAWD) pass a resolution at its 2018 meeting to seek an amendment by the Minnesota legislature of Minn. Stat. § 103D.315, Subd. 5, to read as follows:

**"Subd. 5. Applicability of permit requirements to state.** A rule adopted by the managers that requires a permit for an activity applies to the Department of Transportation and to the Department of Natural Resources." (underlining is the added language to the existing statute)

Date: 7-18-18

By: Curt H. Johansen  
Secretary of the WRWD Board of Managers

Date: 8-18-18

Attested by: [Signature]  
Chairman of the WRWD Board of Managers

Dear Watershed District Administrators, Managers and Consultants:

I am writing to ask you to consider (by request to your Board) joining the Rice Creek Watershed District in the attached, proposed MAWD resolution. The proposed resolution seeks to reinforce and re-state what we believe is the DNR's role in evaluating and providing input to public drainage system repairs. As many of you are experiencing (or have experienced in recent years), the DNR, as a matter of policy, has extended its authority by asserting authority to regulate, permit and restrict drainage system repairs. Most recently, the DNR issued guidance, in February 2018, which turns long-standing practices of the DNR and understanding of the interface of public waters law and public drainage law on its head. As this guidance was being developed, HF2687 and SF2419 were introduced to restate the protections given to drainage system repairs and to put the DNR on notice that the legislature was watching its actions. Action on the bills stalled upon the DNR's promise that its guidance would resolve the concerns being voiced by drainage authorities and benefitted landowners. Unfortunately the guidance did not address the concerns and, in practice, has proved to create more uncertainty in the public waters regulatory program and more expense and delay in even the most basic of drainage system repairs. For this reason, the Rice Creek Watershed District Board plans to advance the attached resolution. To the extent these same issues may be affecting your Boards as Drainage Authorities, we ask that you consider joining the resolution by adopting an independent resolution for your district, or by submitting a letter of support for the Rice Creek proposal.

The bills may be reviewed at the following links:

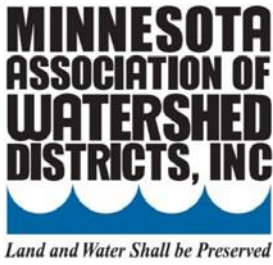
(HF 2687)

[https://www.revisor.mn.gov/bills/text.php?number=HF2687&version=0&session=ls90&session\\_year=2017&session\\_number=0](https://www.revisor.mn.gov/bills/text.php?number=HF2687&version=0&session=ls90&session_year=2017&session_number=0)

(SF 2419)

[https://www.revisor.mn.gov/bills/text.php?number=SF2419&session=ls90&version=latest&session\\_number=0&session\\_year=2017](https://www.revisor.mn.gov/bills/text.php?number=SF2419&session=ls90&version=latest&session_number=0&session_year=2017)

Feel free to contact me if you have any questions.



# 2018 MAWD Resolutions

## Background Information

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Proposing District: Rice Creek Watershed District

Contact Name: Phil Belfiori

Phone Number: 763-398-3073

Email Address: pbelfiori@ricecreek.org

Resolution Title: MAWD Support of HF2687 and SF2419 Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs

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### Background that led to the submission of this resolution:

The State enacted a number of laws related to water resources after the establishment of the public drainage systems. However, there was a commitment that these laws would not restrict existing rights including those related to the existence of, and obligation to, maintain public drainage systems.

The public waters inventory was never intended to restrict the right to maintain existing drainage systems. The legislature specifically exempted repairs from DNR permitting; gave the DNR a mechanism to ensure proposed work was repair; and directed the DNR to provide for the lawful function of public drainage systems that affected public waters. The DNR also adopted a rule exempting repairs from permitting and announced a policy in 1980 that stated repair of public drainage systems should be allowed without permits.

More recent DNR practices have departed from the 1980 policy. The agency has increasingly required permits, approvals, and conditions specifically contrary to current law and the 1980 policy. This has resulted in increased costs and delays for necessary repairs. The DNR has issued policy guidance changing longstanding policies, imposing additional regulatory restrictions on drainage system repairs, and ignoring existing law.

HF2687 and SF2419 were introduced during the 2018 legislative session to restate the protections given to drainage system repairs. These bills were placed on hold in committee when the DNR indicated that its new guidance would address the concerns that drainage authorities had with its current practices (relating to permitting and permission requirements for work affecting public waters). ***These bills are still pending in committee and have not been withdrawn by the authors.***

The DNR policy and its implementation do not adequately address drainage authority concerns. Approval of HF2687 and SF2419 (during the 2019 legislative session) would restate in clear terms the DNR's role in drainage system repairs.

### Ideas for how this issue could be solved:

Current issues with the DNR could be resolved through protracted litigation (least desirable course of action) or by clear legislative directive. HF2687 and SF2419 provide this clear legislative directive. The legislation would reinforce existing law regarding the DNR's and the drainage authorities' requirements when maintaining the public drainage systems.

**Anticipated support or opposition from other governmental units?**

All public drainage authorities (counties, watershed districts, and watershed management organizations) should support this legislation.

Non-governmental environmental organizations in the state and the DNR may oppose this legislation.

**This issue is of importance to (Check one)**

- To the entire state      XXX
- Only our region
- Only our district

Minnesota Association of Watershed Districts | 18681 Lake Drive East | Chanhassen MN 55317 | 612-790-0700  
[www.mnwatershed.org](http://www.mnwatershed.org)

SENATE  
STATE OF MINNESOTA  
NINETIETH SESSION

S.F. No. 2419

(SENATE AUTHORS: WESTROM, Weber, Eken, Sparks and Ingebrigtsen)

DATE  
05/21/2017

D-PG  
5448

OFFICIAL STATUS  
Introduction and first reading  
Referred to Environment and Natural Resources Policy and Legacy Finance

1.1 A bill for an act  
1.2 relating to natural resources; clarifying public waters and public drainage system  
1.3 laws; amending Minnesota Statutes 2016, sections 103E.701, subdivision 2;  
1.4 103G.225; 103G.245, subdivision 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 103E.701, subdivision 2, is amended to read:

1.7 Subd. 2. **Repairs affecting public waters.** (a) Where as-built records, reestablished  
1.8 records under section 103E.101, subdivision 4a, or prior concurrence of the commissioner  
1.9 exists, the drainage authority may proceed with a drainage system repair as provided in this  
1.10 section without further concurrence, review, or permission of the commissioner under  
1.11 section 103E.011, subdivision 3.

1.12 (b) Where as-built records, reestablished records under section 103E.101, subdivision  
1.13 4a, or prior concurrence of the commissioner does not exist, before a repair is ordered, the  
1.14 drainage authority must notify the commissioner if the repair ~~may affect~~ will be conducted  
1.15 in, through, or adjacent to public waters. Notice to the commissioner must include the  
1.16 proposed repair design and configuration. Within 60 days of notice, the commissioner must  
1.17 concur or not concur that the proposed repair is, in fact, repair as provided in this section.  
1.18 Failure of the commissioner to concur or not concur with the repair design and configuration  
1.19 within 60 days is deemed concurrence. If the commissioner ~~disagrees~~ does not concur with  
1.20 the repair ~~depth~~ design and configuration, the engineer, a representative appointed by the  
1.21 director, and a soil and water conservation district technician must jointly determine the  
1.22 repair ~~depth~~ allowed under this section using soil borings, field surveys, and other available  
1.23 data or appropriate methods existing records and evidence, including but not limited to  
1.24 applicable aerial photographs, soil borings, test pits, culvert dimensions, invert elevations,

2.1 and bridge design records. Costs for determining the repair ~~depth design and configuration~~  
2.2 beyond the initial meeting must be shared equally by the drainage system and the  
2.3 commissioner. The determined repair ~~depth design and configuration~~ must be recommended  
2.4 to the drainage authority. The drainage authority may accept the joint recommendation and  
2.5 proceed with the repair.

2.6 (c) The commissioner's concurrence with repair design and configuration or the drainage  
2.7 authority acceptance of a repair design and configuration recommendation under this  
2.8 subdivision constitutes permission of the commissioner under section 103E.011, subdivision  
2.9 3.

2.10 Sec. 2. Minnesota Statutes 2016, section 103G.225, is amended to read:

2.11 **103G.225 STATE WETLANDS PUBLIC WATERS AND PUBLIC DRAINAGE**  
2.12 **SYSTEMS.**

2.13 If the state ~~owns~~ has inventoried and designated public water courses, basins, or public  
2.14 waters wetlands on or adjacent to existing public drainage systems, the state shall consider  
2.15 the use of the public waters wetlands as part of the drainage system. If the commissioner's  
2.16 desired management or protection of public waters wetlands interfere with or prevent the  
2.17 authorized functioning of the public drainage system, the state shall provide for necessary  
2.18 work to allow proper use and maintenance of the drainage system while still preserving the  
2.19 public waters wetlands.

2.20 Sec. 3. Minnesota Statutes 2016, section 103G.245, subdivision 2, is amended to read:

2.21 Subd. 2. **Exceptions.** A public-waters-work permit is not required for:

2.22 (1) work in altered natural watercourses that are part of drainage systems established  
2.23 under chapter 103D or 103E if the work in the waters is undertaken according to chapter  
2.24 103D or 103E;

2.25 (2) repair of a public drainage system lawfully established under chapters 103D and  
2.26 103E and sponsored by the public drainage authority as provided in section 103E.701;

2.27 (3) a drainage project for a drainage system established under chapter 103E that does  
2.28 not substantially affect public waters; or

2.29 ~~(3)~~ (4) culvert restoration or replacement of the same size and elevation, if the restoration  
2.30 or replacement does not impact a designated trout stream.

This Document can be made available  
in alternative formats upon request

State of Minnesota  
**HOUSE OF REPRESENTATIVES**  
NINETIETH SESSION

**H. F. No. 2687**

05/18/2017 Authored by Fabian, Hamilton, Poppe, Green, Anderson, P., and others  
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

1.1 A bill for an act

1.2 relating to natural resources; clarifying public waters and public drainage system

1.3 laws; amending Minnesota Statutes 2016, sections 103E.701, subdivision 2;

1.4 103G.225; 103G.245, subdivision 2.

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1.10 section without further concurrence, review, or permission of the commissioner under

1.11 section 103E.011, subdivision 3.

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1.14 drainage authority must notify the commissioner if the repair ~~may affect~~ will be conducted

1.15 in, through, or adjacent to public waters. Notice to the commissioner must include the

1.16 proposed repair design and configuration. Within 60 days of notice, the commissioner must

1.17 concur or not concur that the proposed repair is, in fact, repair as provided in this section.

1.18 Failure of the commissioner to concur or not concur with the repair design and configuration

1.19 within 60 days is deemed concurrence. If the commissioner ~~disagrees~~ does not concur with

1.20 the repair ~~depth~~ design and configuration, the engineer, a representative appointed by the

1.21 director, and a soil and water conservation district technician must jointly determine the

1.22 repair ~~depth~~ allowed under this section using soil borings, field surveys, and other available

1.23 data or appropriate methods existing records and evidence, including but not limited to

1.24 applicable aerial photographs, soil borings, test pits, culvert dimensions, invert elevations,

# **Red Lake Watershed District - Administrators Report**

**September 13, 2018**

**Red River Watershed Management Board** – Leroy and I will be attending the RRWMB meeting held at the Wild Rice Watershed District office in Ada at 9:30 am, September 18, 2018.

**NW Minnesota Administrator** – Once every quarter the Administrators from NW Minnesota meet to discuss various issues, concerns and possible strategies that may be helpful to each District. This meeting is scheduled for Wednesday September 19<sup>th</sup> in Ada. We are still trying to get this meeting moved to the afternoon of the 18<sup>th</sup> as most of us will be attending the Red Board meeting anyway.

**Red Lake River 1W1P** – Wednesday September 5<sup>th</sup> at 8:30 am the Planning Workgroup meet via telephone conference to discuss the budget for all LGU partners concerning the approved BWSR CWF Grant for this subwatershed. The intent of the meeting was to better develop an internal budget document for the LGU's to assist in their planning and funding in the future.

Monday September 17<sup>th</sup> there will be a RLR1w1p Planning Workgroup meeting with BWSR and MPCA staff to discuss the potential MPCA 319 Grant application.

**Thief River 1W1P** On Wednesday September 5<sup>th</sup> at 9:30 am the Thief River 1W1P Planning Workgroup, Corey, met at the Pennington County SWCD office to go over the TR1W1P Action document that was developed by Houston Engineering. This document was an attempt to put in all action items from all LGU plans, into one plan. This information could be helpful in determining what project or action items that will be included in the plan as we move forward.

**Pennington County WRAC** – Monday September 10<sup>th</sup> at 9:00 am, Corey attended the Pennington County Water Resource Advisory Committee meeting held at the Red Lake Watershed District Board Room.

**Polk County WRAC** – Tuesday, September 11<sup>th</sup> at 9:30 am, Corey attended the Polk County WRAC meeting held in Crookston.

**Pennington County Outdoor Education** – Wednesday, September 12<sup>th</sup>, Corey, Ashley and Christina along with Pennington SWCD staff, attended an all-day Outdoor Education Day for various youth groups in Pennington County. This program introduces our local youth to various water resource events and programs.

**Burnham Creek Wildlife Management Area Structure** – Thursday September 6<sup>th</sup>, Emily Hutchins, Jake Huwe and I had a telephone conference to discuss alternatives for the replacement of the outlet Structure. It is the hope of the committee that in the very near future, we will present to the Board the the best alternatives for the site with the intent of construction next summer/fall.

**Minnesota Association of District Administrators** – Tuesday September 25<sup>th</sup> at 9:30 am, there is a MAWA meeting scheduled at the Stearns County History Museum, 235 33rd Avenue South, St. Cloud. At this point it is not clear to me if I will be able to attend but will report back to the Board if I can.

**County Meetings** – Brian will be meeting with the Beltrami Board on Tuesday, September 18<sup>th</sup>. I will not be able to attend as it conflicts with the RRWMB meeting held in Ada the same day.