BURLEIGH COUNTY WATER RESOURCE DISTRICT AGENDA
Monday, January 22, 2018
City County Building – Tom Baker Meeting Room
8:00 a.m. - Call to Order

1. Roll Call (Reep, Larson, Detwiller, Beck, Landenberger)

2. **Approval of 12-13-17 Minutes** **3-8**

3. **Reorganization – Election of Officers**

   - **Chairman**
   - **Vice Chairman**
   - **Secretary/Treasurer**
   - **Reappointment of Administrative Secretary, Engineer & Legal Counsel** **9-11**
   - **Review and Approve 2018 Portfolios** **12-13**
   - 2018 Schedule (approved in December with the exception of May and possibly July due to the Water Meetings)

4. McDowell Dam
   - Water Permit Application (Pending)
   - McDowell Property negotiations (On-hold – Landenberger, Larson)
   - **Transfer monies for future Buffer Zone purchase and water supply**
   - Breach Overlay District – Pending SWC response on Breach Zone and Hazard Classification (Landenberger, Reep, Gunsch)
   - Policy for inventory Tags (Landenberger/Mayer)

5. Comments from Members of the Public:

6. Financial Reports
   - End of December 14-17
   - Bismarck Parks and Rec income 18

7. **Approval of Bills $43155.20** **19**

8. **Approval of MRCC Bills: $3840.50**

9. **Approval of Fox Island Bills: $20,530.25**

10. Drainage Permits/Complaints/Issues
    - Pavlicek – Apple Creek Floodplain – Memorandum (Beck/Gunsch) (action on hearing)
      - Krein - Letters of concurrence required from Pavlick and Burleigh County Highway Dept
      - Krein – Drainage Permit Application required to obtain OSE determination
    - Jeff Schild, Noel Laxdal, Gary Christianson -Hay Creek Pines Drainage Complaints (HEI/Beck)
      - **Memorandum on findings and recommendations - Notice and Order** **20-99**
    - Nina Bonanno – SEH on behalf of City of Lincoln – Apple Creek (HEI to work with SWC as to who authorized the dam and who should fix it) (Nic Cullen, HEI)

11. Projects
    - Hay Creek Pines – Roadway and Groundwater Issues – Preliminary Engineering Report (on Website)
      - Stormwater Easements (Jeff Schild and Luke Steen) – On hold for project design
      - Water quality testing results –provided to Mr. Nitschke
      - Residents Committee Meeting (Beck)
      - ND Department of Health request for operating plan for review and approval
        - **Authorize HEI to develop an Operations Plan for water quality compliance**
    - Missouri River Correctional Center Flood Control Project
      - Operations and Maintenance Plan (Draft under review)
      - Final Project Accounting (Rick, Mona, Michael)

- Project close out and completion letter to ND State Engineer – February 2018
- $350,000 Refunding Improvement Bond letter from Mr. Bliss 100-101

- Fox Island Status (Travis/Nic - HEI)
  - Project Meetings (Larson)
  - Township Roadway ROW - Easement Request (Submitted to County Engineer)
  - USACE Section 408 (Pending) Garrison-Oahe Revetment Easements
  - Plans and Specifications – Ready for permit submittal
  - Landowner Levee Easements (Signatures – Brown's)
  - Temporary Construction Easements – letter and easements sent to affected residents
  - Public Informational Meeting (January 8, 2018) 102-103

12. Break

13. Other Old Business
    - Policy Manual – REVISED Draft Update (Michael, Dave, Mona, Landenberger, ?)
      - Subsurface Drain Tile Permitting
      - Missouri River SOV's and Section 408 Requests
      - Policy on email communications (Bliss)
    - Missouri River Setback Resolutions - Burleigh County/City of Bismarck Planning Commission – (On hold Policy Considerations)
    - Mitchell Lake Culvert – (Greg Larson/Houston Engineering)
    - SOV S-2089 (Detwiller/Beck/Gunsch) 104-115
      - **Authorize Letter to Hyder (A to Z Contracting) for project approval with conditions**
      - Issue regarding the floodplain development permit unresolved

14. New Business

15. Correspondence or Document Information
    - SOV S 1646 116-120
    - **SWC 2019-21 Biennium Water Development Plan 121-126**
    - Plats & SWMP – Emailed – will be brought to meeting due to size of some (Comments on Plats)
      - Exit 170 Industrial Subdivision
      - Promontory Point VII Addition
      - Promontory Point VI Addition
      - Whispering Ridge 2nd Subdivision
      - Hamburg Industrial Park Addition
      - Hamburg Industrial Park Third Addition Annexation
      - Silver Ranch First Addition First Replat
      - Triangle 2nd Addition
      - Triangle 3rd Addition
      - Musnsch Subdivision
      - 60 Lot Heritage Reserve Subdivision

16. Detailed Bills 127

17. Next Meeting: February 14 2018

18. Adjourn

Note: Bold Items Require Board Action

BCWRD Meeting Minutes
December 13, 2017 – City County Building
Draft – not approved yet

Agenda Items	Discussion	Board Action	Responsible Party	Due Date

Present: Chairman Greg Larson, Dennis Reep, Rick Detwiller, Rod Beck; James Landenberger, Michael Gunsch, Houston Engineering, Inc.; Dave Bliss, Bliss Law Firm, LLC; Commissioner Kathleen Jones, Burleigh County Commissioner and Mona Livdahl, Personalized Management Services.

Others Present: Alton & Arlene Nitschke, Jan Myhre, Peter Way, Joyce Schwartz, Don Roloff, Dave Owens, Brett Falk, Nina Bonanno, Nic Cullen, Chris Krein, Noel Laxdol, Commissioner Doug Schonert, Mike Eggl; and Dave Mayer, Bismarck Parks & Rec.

Chairman Larson called the meeting to order at 8:04 a.m. Roll call was taken and noted all members were present.

	Discussion	Action Taken	Responsible Party(s)	Due Date
Approval of 11-8-17 Minutes:		**Mgr. Detwiller moved to approve, Reep seconded. Motion carried.**		
Approval of 2018 BCWRD Meeting Schedule:	Chairman Larson noted he has an issue with the January 10th and May 9th schedule. We will reschedule to January 22nd. We will review the May meeting date as it gets closer.	**Mgr. Beck moved to approve as amended, Landenberger seconded. Motion carried.**		
McDowell Dam				
Water Permit:	Have not heard anything.			
Lease:	Dave Meyer noted that it had been approved by the Bismarck Parks and Rec and provide a signed copy.	Mgr. Landenberger noted it had been approved by the BCWRD Attorney and moved to have Chairman Larson sign. Detwiller seconded. Motion carried.		
Property Negotiations:	On hold for now..			
Update on McDowell Dam house:	Dave Meyer handed out photos of the updates, the project is complete.			
Breach Overlay District:	No updates at this time.			
Inventory tags	Landenberger spoke to Dave & Kathy with the Bismarck Parks and Rec. Anything over $500 is tagged.	**Landenberger moved to move forward with the inventory asset program and to order the tags using the Bismarck Parks and Rec Policy. Reep seconded. Motion carried.**	Landenberger/Mayer	
Comments from Members of the Public: Chairman Larson noted that we will be going into Executive Session to discuss Hay Creek Pines and Fox Island.				
Arlene Nitschke:	Mrs. Nitschke noted she is a downstream landlowner and felt the costs quoted for records was too high. Mrs. Nitschke also			

Agenda Items	Discussion	Board Action	Responsible Party	Due Date
	felt that the tile should go down to 84th Avenue.			
Alton Nitschke:	Mr. Nitschke asked about the water tests, it was noted a copy will be provided after the Executive session. Mr. Nitschke also requested a meeting to determine where we are and what can be done to move forward. Mr. Nitschke requested that Chairman Larson and Manager Reep attend and Attorney Bliss if necessary.	Discuss a possible meeting with the Nitschkes.		
Brett Falk re: Mr. Hyder	Mr. Falk attended noting that they received review and clearance on the 408 project.	Mr. Gunsch noted that this board has the easement and has the authority to grant/deny the work being done. Upon review of the documentation requested, we can discuss at that time. Mr. Falk will email the requested information.	Landenberger, Gunsch	
Financial Reports				
End of November:	Reviewed no action needed.			
Security Pledge:	Informational only.			
BCWRD Bills:	Detwiller reviewed the bills and found them in order.	**Manager Beck moved to approve the bills in the amount of $36,714.36, Reep seconded. Motion Carried.**		
MRCC Bills:	An O&M manual is still needed as well as a final accounting. We can provide both to the State Engineer at the same time.	**Mgr. Landenberger moved to approve the MRCC bill in the amount of $11,095.75, Mgr. Reep seconded. Motion Carried.**		
Fox Island bills:	Noted these are mainly design and prep bills.	**Mgr. Detwiller moved to approve the Fox Island bills totaling $33,976.50, Landenberger seconded. Motion Carried.**		
Drainage Permits & Complaints				
Schild, Christianson & Laxdol Complaints	Tabled until the Hay Creek Pines issue has been resolved.	**On hold**	Beck, Gunsch	
Pavlicek/Apple Creek Floodplain	Hearing at 9 a.m. – tabled until that time.		Beck, Gunsch, Bliss	
Nina Bonanno on behalf of City of Lincoln - Apple Creek	Ms. Bonanno was present and discussed the dam failure in Apple Creek which is in the Lincoln EPA and who is to fix it.	**Consensus of the board to have Houston work with the State Water Commission on this. Manager Reep offered to assist if necessary.**	Beck, Gunsch, Reep	
Projects:				
Hay Creek Pines	To be discussed in Exec. Session			
Easements:				
Water Samples:				
MRCC:	Discussed earlier – no further action.			

Agenda Items	Discussion	Board Action	Responsible Party	Due Date
Fox Island:	To be discussed in Executive Session			
Project Meeting:				
USACE Section 408/Easements				
Old Business				
Policy Manual	Chairman Larson asked that this be addressed and finished in January. Eng. Gunsch noted that he had shared it with portfolio holders and also get Marcus Hall involved as to what this board do versus the count.	Discussed having a subcommittee assigned to complete it.	BCWRD board	1/22/18
Mitchell Lake	The SWC stated that we do have the authority to modify the culvert. The contractor can't get to this until next spring. A call was made to the owner and he is ok with this.	**Waiting for the contractor to get us a final quote on this. Timeline will be in the spring to complete.**	Landenberger, Gunsch	Spring, 2018
Missouri River:	On hold waiting on decisions from other organizations.			
SOV S2089	Discussed earlier with Mr. Falk.		Landenberger/Gunsch	
SOV S-1969B	For Fox Island – a letter was sent to the State Water Commission on 11-15-17			
Request for Proposals: Legal, Engineer, Secretarial and Auditor.	Chairman Larson asked that we table this as the SWC is making changes and we need to wait for this.			
New Business				
FEMA Flood Mapping:	Discussed the changes on how mapping will be done, they are going from satellite to Lidar. Will be done in 8-10 years from now based on budget and time.	Biggest impact areas will be South Bismarck, Morton County and South and East of the county.		
Burnt Creek Floodway easements and posting land.	We have a request to post the land for no hunting. The BCWRD does not have the authority to post the land, but we do have the authority to post the areas which we own.	**Detwiller moved to move forward to post non hunting or trespassing on Tract 11, Landenberger seconded.** Detwiller asked if someone needs to put the legal description and information on. Also needs a signature and phone number. Gunsch noted the trail system from Parks and Rec has a trail system in that area and we need to work as to placement of the sign, he will work with Reep on this. Posting every 400 feet - only need one sign. **Motion Carried.**	Gunsch, Bliss, Reep	

Agenda Items	Discussion	Board Action	Responsible Party	Due Date
Correspondence:				
Exit 170	Commissioner Jones noted that we do not have a SWMP on one plat.	Consensus to work on it when we receive it.	Gunsch	
Joint Water Meeting	Manager Reep updated the board on the actions taken at the Joint Meeting. Noted that next year the dues will be $675 vs $475. Discussed the training on water resource as well as liability and encouraged everyone to take the course.			
PUBLIC HEARING: Pavlicek/Krein Drainage Complaint – The hearing was called to order at 9:10 a.m. with Mr. Chris Krein attending. Mr. Dustin Pavlicek was unable to attend due to work schedule.				
	The hearing was called to order at 9:10 a.m. with Mr. Chris Krein in attendance. Eng. Gunsch updated on the work Mr. Krein had done which filled the floodplain, not the floodplain. The board had reviewed the complaint and had put a notice and order out as to how to resolve the issue. The timeline was extended at Mr. Krein's request to have a hearing. Mr. Krein stated he had spoke to Mr. Dustin Pavlicek and they agreed this could be fixed with a shovel. Mr. Krein also presented photos of drainage in the area of significant rain events. Discussion was held on dismissing the complaint. Eng. Gunsch noted the order from this board was to resolve the issue with Mr. Pavlicek and the county engineer - could the board dismiss the complaint - yes, we could but the two issues are obstruction of the watercourse - noted HEI used lidar. The other aspect is the drainage permit, you deepened or widened it - noted you are in compliance as to what you have done to date as far as what is done upstream, that is the City of Lincoln. If you could get something in writing from Mr. Pavlicek and Marcus that would go towards the resolution.	Eng. Gunsch will check with Eric Kranza from the SWC and get their opinion on this. Eng. Gunsch noted that any order we make at this point would not be made until Spring, so we would have time to do the cross checks on this. Landenberger asked that Mr. Reep and Gunsch meet with Mr. Klein to see if it is working. Reep felt that the boards order still stands until we see the resolution. The hearing was suspended until a future date at 9:49 a.m.	Gunsch, Landenberger, Reep	Spring, 2018

Agenda Items	Discussion	Board Action	Responsible Party	Due Date
Next Meeting:	The next meeting will be held 1-22-18			1/22/18
The regular meeting closed at 9:49 a.m. The BCWRD Board went into Executive Session at 9:57 a.m. to discuss with legal counsel on the status of Hay Creek Pines appeal and the status of Fox Island route proposal to the County Commissioner. Executive Session concluded at 11:21 a.m. and the BCWRD meeting reconvened at 11:21 a.m.				
Fox Island re-route proposal:	**Mgr. Landenberger moved to schedule a public information meeting on January 8th pending a favorable decision from the Burleigh County Commissioners. Mgr. Reep seconded. Motion Carried.**			1/8/17
Hay Creek Pines	**Mgr. Beck moved to adopt seven action items on Hay Creek Pines: 1) To accept the Release Water Quality Findings Report and provide a copy of the report to Mr. Nitschke; 2) Proceed with landowner and Hay Creek Pines committee Meetings to secure easements and discuss obstruction complaints; 3) Hold discussion with Marcus Hall, County Engineer, the roadway design and process; 4) Recommend Hay Creek Pines Committee seek Public Health Official Review on the status of septic systems in and around monitoring well ST-1; 5) Consideration of downstream obstruction complaints – which consists of landowner notification of action to review and conducting field survey to determine elevations and vegetation status; 6) Evaluate current costs, obstruction, studies, testing, permitting, legal, etc which would help to determine costs to assigned to either the project or to the board actions; and 7) Project on project design authorization to proceed. Landenberger seconded. Motion Carried.**			
:				

Meeting adjourned at 11:25 a.m.

Mona Livdahl

Mona Livdahl, BCWRD Admin. Secretary

Burleigh County Water Resource District
Members of the Public in Attendance

Date: 12-13-17

PLEASE PRINT

NAME - **PLEASE PRINT**	ADDRESS/COMPANY REPRESENTING	EMAIL—if you want to be included on agenda list
Jan Myhre	9615 Forest Dr	—
PETER WAX	Bismarck/ND DEPT HEALTH	
Alton & Arlene Nitschke	Bismarck, ND.	
Joyce Schwartz	9500 Oak Dr., Bismarck	
DON BOLDIFF	3005 DEER Lodge Dr BIS	TOLWON@BIS.MIDCO.NET
DAVE Owens	3042 Deerlodge DR BIS	
Brett Falk	A to Z / 514 1st Ave NE	
Nina Bonanno	4719 Shelburne St. Suite 6, Bismarck	nbonanno@sehinc.com
Nic Cullen	HEI	ncullen@houstoneng.com
Chris Krein	3405 E Dimmick Ave	
Noel Laxdal	9040 Oak Dr.	
Doug Schonert	Burleigh County	
Mike Eggl	1950 Far West	~~[illegible]~~ mike 4469@gmail.com

HoustonEngineering Inc.

2018 FEE SCHEDULE

The following is a schedule of hourly rates and charges for engineering and surveying services offered by Houston Engineering, Inc.

Category	2018 Rates
Engineer I	$117
Engineer II	130
Engineer III	146
Project Engineer	163
Project Manager	178
Sr Project Manager	196
Scientist I	$117
Scientist II	130
Scientist III	147
Project Mgr – Environmental	172
Sr Project Mgr – Environmental	196
Construction Engineer	$135
Sr Construction Engineer	160
Land Surveyor I	$117
Land Surveyor II	135
Land Surveyor III	148
Project Mgr – Land Surveying	160
Sr Project Manager – Land Surveying	178
Survey Crews:	
1-Person Crew (+ equipment)	$142
2-Person Crew (+ equipment)	172
3-Person Crew (+ equipment)	215
4-Person Crew (+ equipment)	240
CAD Technician I	$79
CAD Technician II	92
CAD Supervisor	104
Designer I	$123
Designer II	132
Sr Designer	141
Engineering Specialist	150
Technician Intern (all areas)	$79
Technician I	$92
Technician II	104
Sr Technician	117
Right-of-Way Technician	$106
Right-of-Way Specialist	178

Category	2018 Rates
GIS Analyst I	$87
GIS Analyst II	102
GIS Analyst III	117
Sr GIS Analyst	135
Project Manager – GIS	147
Sr Project Manager – GIS	172
Software Engineer I	$102
Software Engineer II	117
Software Engineer III	135
Sr Software Engineer	147
Computer Technician	$141
Communications Specialist	$79
Sr Communications Specialist	87
Administrative Assistant	$74
Sr Administrative Assistant	79
Planner	$129
Senior Planner	178
Legislative/Grant Specialist	$166
Expert Witness	215
Drone Pilot	$125
Drone Visual Observer	47

Chargeable Expenses	Rate
Subsistence	Actual Cost
Mileage-Vehicles:	
2-Wheel Drive	IRS Standard Rate
4-Wheel Drive	IRS Standard Rate + $0.20/Mile
GPS Equipment	$25/hour/unit
Robotic Total Station	$40/hour
ATV/Snowmobile/Boat	$15/hour
ATV with Tracks	$30/hour
Hydrone RCV	$50/hour
Small UAS	$25/hour
Delivery, Postage, Printing	Actual Cost
Surveying Materials, Special Equipment, and other Materials required	Actual Cost
Subconsultants	Actual Cost + 10%

PROPOSAL FOR SERVICES

For January, 2018

This contract for services is entered into by the Burleigh County Water Resource District (BCWRD), and Personalized Management Services, Inc. (PMS), pursuant to which PMS, as an independent contractor, will provide the administrative and management services to BCWRD from January 1st, 2018 until 60 (sixty) day written notice of termination is given by either party.

The request for 2018 will be for a flat rate fee of $1,500 per month for all regular meeting preparations (agendas, attending meetings and taking minutes) which had been at $1,000 from 2014 fee schedule. This is to include storage of all BCWRD records for audit purposes as needed as well as providing the space and equipment necessary for the audit. The hourly rate of $50 for bookkeeping and special project related duties and tasks will be tracked separately and remain at the current rate of $50/hour.

Terms

The term of this contract shall commence on January 1st, 2018.

Prior Contracts

The term of this contract shall commence on January 1st, 2018. Any and all prior contracts for secretarial services for BCWRD are no longer valid.

PMS or any of its staff cannot be held responsible for any business and/or organization decisions made on behalf of BCWRD.

Miscellaneous

This Agreement and the Scope of Services represent the entire understanding of BCWRD and PMS and supersede any prior or contemporaneous agreements or representations. This Agreement may be amended only by further written agreement signed by the authorized representatives of the BCWRD and PMS.

This Agreement is governed by the laws of the State of North Dakota. Any legal proceeding brought to enforce the terms of this Agreement or to seek a remedy for breach of this Agreement shall be brought in State or federal court in the State of North Dakota.

Confidentiality

PMS agrees that with respect to any and all materials, reports, correspondence, or other documents which have been stamped or otherwise identified as confidential matters by the BCWRD'S Executive Committee ("the Confidential Materials"), PMS shall not disclose, distribute or publish such Confidential Materials to any third party, unless otherwise requested by a duly authorized member of the BCWRD.

Other Costs

Postage, telephone, printing, copying, fax copies, supplies, travel (at state rates), bulk mailing costs, and other incidental costs for items that are for exclusive use by BCWRD will be in addition to the contract fee and will be paid directly by the provider from BCWRD funds.

Evaluation

The BCWRD may evaluate the management and administrative services provided by PMS.

Termination

This contract/arrangement can be terminated by either party upon a sixty (60) day written notice of the intent to terminate to the other party.

Information & Property

All computer data and paper records prepared by PMS specifically for the BCWRD or prepared or provided by BCWRD, its officers, directors, members, or agents, along with supplies purchased by BCWRD are the property of BCWRD. Other data and records, including and regarding the operations of PMS, along with all other supplies and property, shall remain the property of PMS.

Upon termination of this contract, all BCWRD property will be returned to the BCWRD and all outstanding PMS bills will be paid by BCWRD.

PMS may retain a copy of BCWRD'S data and records for archival purposes. Any additional expenses incurred during the transfer process from PMS will be billed according to the contract.

Indemnification

The BCWRD shall indemnify and hold harmless PMS, its officers, directors, employees, and agents for and against all liabilities related to any and all claims and causes of action by third parties, including but not limited to judgments, verdicts, settlements, and fines resulting from any act or omission of the BCWRD, its officers, directors, members or agents.

Signed this _____ day of January, 2018.

BCWRD Representative

PMS, Inc. Representative

Burleigh County Water Resource District

1720 Burnt Boat Drive, Suite 205
Bismarck, North Dakota 58503

BOARD REORGANIZATION
JANUARY 11, 2018

The Burleigh County Water Resource District Board (Board) at their January 22, 2018 meeting has reorganized and elected new officers for 2018. The following is a summary of their address, year of appointment, term of office and position.

Greg Larson (2015) 12-31-20
2525 Larson Road (701) 223-6654 (c) 400-7217
Bismarck, ND 58504 glarson@century21morrison.com

Dennis Reep (2014) 12-31-19
2213 East Ave F (701) 235-7052 H (701) 557-9621 or (c) 595-2142
Bismarck, ND 58501 dennis.reep@hdrinc.com or reepdm@bis.midco.net

Rick Detwiller (2015) 12-31-18
1900 Harbor Drive (701) 223-8782 (c) 226-3820
Bismarck, ND 58504 rdetwiller1@gmail.com

Rodney Beck (2016) 12-31-18
1983 Billings Drive (c) 220-5313
Bismarck, ND 58504 rrbeck54@bis.midco.net

James Landenberger (2017) 12-31-19
3456 E Century Ave (701) 426-6439
Bismarck, ND 58503 james.landenberger@bartwest.com

Mona Livdahl, Secretary 701-222-3499
Personalized Management Services, Inc.
1720 Burnt Boat Drive, Suite 205, Bismarck ND 58503 mona@midco.net

David R. Bliss, Attorney
Bliss Law Firm, LLC (701) 223-5769
PO Box 4126, Bismarck ND 58502-4126 dbliss@blisslaw.com

Michael Gunsch, PE
Houston Engineering, Inc. Office: (701) 323-0200
3712 Lockport Street, Bismarck ND 58503 Cell: (701) 527-2134
mgunsch@houstoneng.com

January 22, 2018

The Board has directed its' Treasurer, to work through the Burleigh County Auditor's Office to provide a monthly income/expense reports or a general statement of finances to the Board. The Burleigh County Auditor's office is hereby authorized by this document to act at the direction of and on behalf of its' Treasurer to exercise such duties related to tax collections, payments, fund transfers and/or payments authorized by the Board.

Chairman Larson after consulting with members of the Board and based on past experience appointed the following portfolio leads and alternates to the noted project portfolios. Alternates are available to assist and/or complete assignments, in the absence of the lead, as directed by the Board.

Hay Creek Watershed/Greenway	- Rod Beck, Lead - Rick Detwiller, Alternate
Burnt Creek Watershed/Floodway	Dennis Reep, Lead - Rick Detwiller, Alternate
McDowell Dam Recreation Area	- OPEN , Lead - Rick Detwiller, Alternate
Missouri River Issues	Rick Detwiller, Lead - Rod Beck, Alternate
Apple Creek Watershed	Rick Detwiller, Lead – OPEN , Alternate
Landowner Complaints	Rod Beck, Lead - Dennis Reep, Alternate OPEN , Alternate; Rick Detwiller, Alternate
Missouri River Joint WRB	Greg Larson, Lead - Dennis Reep, Alternate
Dakota Prairie, RC&D	Rod Beck, Lead - Greg Larson, Alternate
Burleigh County Soil Conservation District	OPEN , Lead - Dennis Reep, Alternate
State Water Commission Liaison	Dennis Reep, Lead - Rod Beck, Alternate
MPO (Bis-Man Metropolitan Planning)	Dennis Reep, Lead, Rod Beck Alternate
Apple Creek Industrial Park	Greg Larson, Lead
Fox Island Projects	Greg Larson, Lead – Rick Detwiller, Alternate
Missouri River Correctional Center	Greg Larson, Lead – Dennis Reep, Alternate
Sibley Island Flood Control	Rod Beck, Lead
ND Water Users	Dennis Reep, Lead – Rod Beck, Alternate
ND Water Resource Board of Directors	Dennis Reep, Lead
ND Irrigation	OPEN , Lead – Rod Beck, Alternate
Ward/Ash Coulee	Rick Detwiller, Lead – Greg Larson, Alternate
Budget	Rick Detwiller, Lead – Alternate:

The Board reserves the authority to revise these appointments as needed to complete its statutory and contractual duties and obligations.

Gregory Larson

Gregory Larson, Chairman
Burleigh County Water Resource District

Burleigh County Water Resource District (BCWRD)
Profit & Loss Budget vs. Actual
January through December 2017

	Jan - Dec 17	Budget	$ Over Budget
Income			
31110 · Real Estate Tax	668,234.31	709,500.00	-41,265.69
31810 · In Lieu of Tax	5,137.48	5,000.00	137.48
33610 · State Aid Distribution	98,689.12	50,000.00	48,689.12
33620 · Homestead Credit	0.00	4,000.00	-4,000.00
33810 · Reimbursements			
33810-A · Missouri River Correctional	389,075.00		
33810-C · Apple Valley Special Assessment	1,302.69		
33810-E · Country Ridge/Creek	157.65		
33810-G · Burnt Creek	55,986.15		
33810-J · Hay Creek	35,128.47		
33810 · Reimbursements - Other	847.16		
Total 33810 · Reimbursements	482,497.12		
34110 · Operations & Maintenance			
34110-b · Apple Valley Cooperative Lagoon	2,686.52		
34110-c · Burnt Creek Floodway O&M	135.04		
34110-e · Country Creek/Country Ridge	409.44		
Total 34110 · Operations & Maintenance	3,231.00		
36110 · Interest	2,636.90	100.00	2,536.90
36210 · McDowell Dam Recreation Income	23,244.07	8,000.00	15,244.07
36215 · McDowell Dam Land Lease	2,825.00	2,800.00	25.00
36910 · Misc Revenue	0.00	1,500.00	-1,500.00
Total Income	1,286,495.00	780,900.00	505,595.00
Gross Profit	1,286,495.00	780,900.00	505,595.00
Expense			
111 · Payroll Expenses	17,934.00	30,000.00	-12,066.00
111A · Payroll Taxes	0.00	3,000.00	-3,000.00
112 · Management Services			
113 · Accounting Services	3,665.00	3,000.00	665.00
112 · Management Services - Other	15,176.57	18,000.00	-2,823.43
Total 112 · Management Services	18,841.57	21,000.00	-2,158.43
114 · Audit	6,000.00	6,000.00	0.00
312 · Legal Fees	14,912.40	18,000.00	-3,087.60
315 · Engineering Administration	12,000.00	18,000.00	-6,000.00
328 · Liability Insurance	3,419.11	2,700.00	719.11
335 · Building Rent	0.00	2,000.00	-2,000.00
341 · Travel	163.80	1,600.00	-1,436.20
376 · Dues & Publications	1,450.00	4,000.00	-2,550.00
411 · Office Supplies	2,402.85	2,500.00	-97.15
904 · McDowell Dam			
904-1 · Engineering Costs	7,421.50		
904-2 · Legal Fees	254.10		
904-A · Administrative Fee	37,252.58		
904-B · McDowell Dam (Buffer Zone)	0.00	80,000.00	-80,000.00

Burleigh County Water Resource District (BCWRD)
Profit & Loss Budget vs. Actual
January through December 2017

	Jan - Dec 17	Budget	$ Over Budget
904 · McDowell Dam - Other	146,331.08	234,375.00	-88,043.92
Total 904 · McDowell Dam	191,259.26	314,375.00	-123,115.74
905 · McDowell Dam-Capital Improvemen	73,339.13	10,000.00	63,339.13
910 · Projects			
910A · Missouri River Shared			
910A-1 · Engineering Costs	2,137.50		
Total 910A · Missouri River Shared	2,137.50		
910D · MRCC			
910D-1 · Engineering Costs	558,452.50		
910D-2 · Legal Fees	4,620.00		
910D-3 · Administrative / Other	9,134.30		
910D · MRCC - Other	493,858.14		
Total 910D · MRCC	1,066,064.94		
910F · Apple Creek Industrial Park			
910F-1 · Engineering Costs	997.50		
910F · Apple Creek Industrial Park - Other	50.00		
Total 910F · Apple Creek Industrial Park	1,047.50		
910G · Burnt Creek			
910G-1 · Engineering Costs	2,677.50		
910G-3 · Interest Expense	9,075.00		
910G · Burnt Creek - Other	3,225.00		
Total 910G · Burnt Creek	14,977.50		
910H · Fox Island			
910H-1 · Engineering Costs	353,285.27		
910H-2 · Legal Fees	4,758.30		
910H · Fox Island - Other	1,645.00		
Total 910H · Fox Island	359,688.57		
910I · Apple Valley			
910I-3 · Interest Charges	7,560.00		
Total 910I · Apple Valley	7,560.00		
910K · Apple Creek	0.00	6,500.00	-6,500.00
910L · Hay Creek	12.50	188,025.00	-188,012.50
910M · Neideffer Dam	0.00	5,000.00	-5,000.00
910N · Hay Creek Pines			
910N-1 · Engineering Costs	39,780.37		
910N-2 · Legal Fees	13,363.35		
910N-3 · Hay Creek Pines --- Other	15,666.21		
Total 910N · Hay Creek Pines	68,809.93		
Total 910 · Projects	1,520,298.44	199,525.00	1,320,773.44
911 · Misc	2,010.00	2,500.00	-490.00
920 · Continuing Education	145.00	2,500.00	-2,355.00
932 · City/County Watershed Planning	0.00	20,000.00	-20,000.00
933 · Missouri River General Services	0.00	25,000.00	-25,000.00
937 · Design/Special Assessment			

Burleigh County Water Resource District (BCWRD)
Profit & Loss Budget vs. Actual
January through December 2017

	Jan - Dec 17	Budget	$ Over Budget
937A · Apple Valley - Administrative			
937A-3 · Apple Valley Interest	507.50		
937A · Apple Valley - Administrative - Other	11,537.50		
Total 937A · Apple Valley - Administrative	12,045.00		
Total 937 · Design/Special Assessment	12,045.00		
940 · Operations & Maintenances			
940A · Burnt Creek Watershed	0.00	5,000.00	-5,000.00
Total 940 · Operations & Maintenances	0.00	5,000.00	-5,000.00
941 · Stream Gages			
941A · Apple Creek & Hay Creek	5,800.00		
941 · Stream Gages - Other	0.00	3,200.00	-3,200.00
Total 941 · Stream Gages	5,800.00	3,200.00	2,600.00
960 · Drainage Complaints			
960-1 · Engineering Costs	26,260.80		
960-2 · Legal	1,131.90		
960 · Drainage Complaints - Other	62.50	70,000.00	-69,937.50
Total 960 · Drainage Complaints	27,455.20	70,000.00	-42,544.80
970 · Storm Water Management Plans	0.00	20,000.00	-20,000.00
975 · Workforce Safety Insurance	250.00		
Total Expense	1,909,725.76	780,900.00	1,128,825.76
Net Income	-623,230.76	0.00	-623,230.76

Burleigh County Water Resource District (BCWRD)
Balance Sheet
As of January 19, 2018

	Jan 19, 18
ASSETS	
Current Assets	
Checking/Savings	
American Bank Center Checking	1,580,362.53
Designated Reserve Funds	
Aero Club Rent	13.00
Apple Valley	19,000.00
Apple Valley Spec. Assessment	12,626.81
Brookfield Estates	2,377.34
Burnt Creek	115,000.00
Emergency Fund	95,037.13
Hogue Island	54,906.33
McDowell Rent	10,609.00
Designated Reserve Funds - Other	136.24
Total Designated Reserve Funds	309,705.85
Fox Island Flood Control	2,298,803.69
MRCC Money Market	10,934.23
Total Checking/Savings	4,199,806.30
Total Current Assets	4,199,806.30
Fixed Assets	
Accumulated Depreciation	-63,253.00
Physical Inventory	2,157,476.85
Total Fixed Assets	2,094,223.85
TOTAL ASSETS	**6,294,030.15**
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
24000 · Payroll Liabilities	1,810.09
Total Other Current Liabilities	1,810.09
Total Current Liabilities	1,810.09
Long Term Liabilities	
232 · Rehab Apple Valley Waste Water	200,000.00
232a · Apple Valley Waste Water	3,000.00
237 · Burnt Creek Floodway	340,000.00
Total Long Term Liabilities	543,000.00
Total Liabilities	544,810.09
Equity	
30000 · Opening Balance Equity	1,055,603.49
32000 · Retained Earnings	4,441,465.48
Net Income	252,151.09
Total Equity	5,749,220.06
TOTAL LIABILITIES & EQUITY	**6,294,030.15**

BURLEIGH COUNTY WATER RESOURCE DISTRICT
McDowell Dam Revenue

Bismarck Parks & Recreation District
400 E. Front Ave
Bismarck, ND 58504

October 1 - December 31, 2017

Date Submitted: 1/8/2018

Boat Rentals	$	18,930.51
Concession Sales		377.47
Cash Over/(Short)		35.59
Shelter Permits		4,235.00
Less: Refunds		(277.50)
Total Revenue - Year to Date	$	23,301.07
Less: Previous Revenue Reimbursement	$	(23,244.07)
Total Revenue Due	$	57.00

BCWRD Invoices
1-22-18

Name	Project	Invoice	Amount
Bliss Law Firm	December Services	19268	$4,800.82
Bismarck Parks and Rec	Admin	4880	$1,913.86
Bismarck Parks and Rec	Expenses	4880	$7,655.45
Braun Intertec	Hay Creek Pines	B114592	$3,167.44
Dakota Prairies RC& D	2018 Dues	121	$100.00
Fronteer	Payroll and tax forms	38	$545.00
Houston Engineering	General	37669	$1,000.00
Houston Engineering	Drainage Complaints	34673	$6,416.53
Houston Engineering	Missouri River Bank Stabilization	37674	$2,234.00
Houston Engineering	Hay Creek Pines	37675	$2,817.50
ND Water Resource District	Board dinner meeting - joint conference	1510	$200.00
ND Water Resource District	2018 Dues	2018	$675.00
ND Water Resource District	3 handbooks	2018	$90.00
ND Water Users	2018 Dues	2018	$300.00
PMS	December Services	6128	$2,647.57
Greg Larson	4th Quarter	4th	$3,053.19
Dennis Reep	4th Quarter	4th	$1,235.00
James Landenberger	4th Quarter	4th	$919.23
Rick Detwiller	4th Quarter	4th	$697.50
Rod Beck	4th Quarter	4th	$2,687.11
	Subtotal		$43,155.20
MRCC Bills			
Houston Engineering	Work Order #18 SA 25	37671	$3,840.50
	Subtotal		$3,840.50
Fox Island Bills			
Houston Engineering	Fox Island	37670	$20,530.25
	Subtotal		$20,530.25
	TOTAL		$67,525.95

bcwrd@midco.net

From:	Michael Gunsch <mgunsch@houstoneng.com>
Sent:	Tuesday, January 2, 2018 11:30 AM
To:	David Bliss; Dennis Reep; Greg Larson; James Landenberger; Kathleen Jones (kjathome@midco.net); Rick Detwiller; Rodney L. Beck (rbeck@mooreengineeringinc.com); Secretary Mona Livdahl (bcwrd@midco.net); Travis Johnson
Cc:	Travis Johnson; Nic Cullen
Subject:	Hay Creek Pines Drainage Complaint Memo
Attachments:	Hay Creek Pines - Drainage Complaint Memo 1-2-18.pdf

Greg: et. al.

Attached is the completed memorandum and documentation for the Hay Creek Pines Obstructions.
Rod requested that I share this with you and allow *a few days for comments*.

Then he directed us to share this with Randy Bakke so he has some time between now and your meeting on the 22nd to consider.
I will not be at the 22nd meeting, but you can consider any action at that time as you see applicable.
Recall that Mr. Bakke has the right to request a hearing on the decision, so if he agrees you can move on.
If not, which I expect then there will be additional discussions relative to resolution of the issue.

Please do not reply to all, direct reply to me with questions or call.

Thanks,

Michael Gunsch
Principal / Project Manager
Houston Engineering, Inc.
O 701.323.0200 | D 701.751.6277 | F 701.323.0300

3712 Lockport Street ◦ Bismarck, ND ◦ 58503

www.houstoneng.com

This entire message (including all forwards and replies) and any attachments are for the sole use of the intended recipient(s) and may contain proprietary, confidential, trade secret, work-product, attorney-client or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited and may be a violation of law. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

bcwrd@midco.net

From: Michael Gunsch <mgunsch@houstoneng.com>
Sent: Wednesday, January 3, 2018 9:02 AM
To: 'David Bliss'; Dennis Reep; 'Greg Larson'; James Landenberger; 'Kathleen Jones (kjathome@midco.net)'; 'Rick Detwiller'; 'Rodney L. Beck (rbeck@mooreengineeringinc.com)'; Secretary Mona Livdahl (bcwrd@midco.net); Travis Johnson
Subject: RE: Hay Creek Pines Drainage Complaint Memo

All:

Update.... I took a closer look at the backwater changes associated with the excessive vegetation in the unmaintained watercourse. The increase is closer to 1 foot on a 10-year event, versus the 6" noted.
I will be adjusting the memorandum to reflect that finding.

Mona – will provide and update for the briefing book once this goes out.

Again if you have any questions, please do not reply to all.

Thanks,

Michael Gunsch
Principal / Project Manager
Houston Engineering, Inc.
3712 Lockport St, Bismarck, ND 58503
O 701.323.0200 | **F** 701.323.0300
www.houstoneng.com

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From: Michael Gunsch
Sent: Tuesday, January 02, 2018 11:29 AM
To: David Bliss <dbliss@blisslaw.com>; Dennis Reep <dwrburleighwrd@gmail.com>; Greg Larson <glarson@century21morrison.com>; James Landenberger <James.Landenberger@BARTWEST.COM>; Kathleen Jones (kjathome@midco.net) <kjathome@midco.net>; Rick Detwiller <rdetwiller1@gmail.com>; Rodney L. Beck (rbeck@mooreengineeringinc.com) <rbeck@mooreengineeringinc.com>; Secretary Mona Livdahl (bcwrd@midco.net) <bcwrd@midco.net>; tjohnson@houstoneng.com
Cc: Travis Johnson <tjohnson@houstoneng.com>; Nic Cullen <ncullen@houstoneng.com>
Subject: Hay Creek Pines Drainage Complaint Memo

Greg: et. al.

Attached is the completed memorandum and documentation for the Hay Creek Pines Obstructions.
Rod requested that I share this with you and allow *a few days for comments*.

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I will not be at the 22nd meeting, but you can consider any action at that time as you see applicable.
Recall that Mr. Bakke has the right to request a hearing on the decision, so if he agrees you can move on.
If not, which I expect then there will be additional discussions relative to resolution of the issue.

Please do not reply to all, direct reply to me with questions or call.

Drainage Complaints
Hay Creek Pines Subdivision

HoustonEngineering Inc.

To: Burleigh County Water Resource District
From: Michael H. Gunsch, PE, Houston Engineering, Inc.
Subject: Drainage Complaints
Date: January 2, 2018
HEI No: 6025-018-021 – Christianson, Laxdal and Schild

COMPLAINT EVALUATION

The Burleigh County Water Resource District received three independent drainage complaints against the landowners downstream from the Hay Creek Pines Subdivision. The following is a summary of these complaints, which are included as **Exhibit A1, A2 and A3**.

#1 Gary Christianson — Obstruction to a Drain/Watercourse (NDCC 61-16.1-1-51)
Date: Received via email January 25, 2016
Complaint Against: Burleigh County

Issue:
"Drainage in Hay Creek South of the Hay Creek Pines Subdivision is obstructed or "silted in" significantly causing the water table to rise within the subdivision. The higher water table is impacted the road condition, killing trees and causing numerous sump pump operations."

This complaint referenced the December 2001 evaluation prepared by the BCWRD regarding groundwater issues within this subdivision. This complaint was filed against "*Burleigh County*", who does not have authority or obligation to maintain natural watercourses.

Impacts:
1. *Asphalt is breaking up*
2. *Trees have died and continue to die each spring*
3. *Significant frost heave of concrete slabs*
4. *Sump pump operates often*

This complaint was evaluated on a preliminary basis and while it was noted an obstruction likely existed, it was determined the larger upstream groundwater issues were not resolvable by simply removing an obstruction in the natural watercourse. Subsequently, action on this complaint was suspended, and the thirty-five (35) residents in the subdivision signed and submitted petitions requesting the BCWRD evaluate and develop a project to resolve the larger groundwater concerns. Given the various issues and delays in implementing the groundwater removal project, and subsequent complaints the BCWRD determined that action on these complaints is warranted prior to project implementation.

#2 - Noel Laxdal — **Obstruction to a Drain/Watercourse (NDCC 61-16.1-1-51)**
Date: **November 11, 2017**
Complaint Against: **Randall Bakke, Alton Nitschke**

Issue: *"natural waterway is blocked by unmanaged grass and silt."*

Impacts:
"Hay Creek Pines area has a highwater table that is feed by ground water that flows in gravel vanes that are 3 to 4 feet from the surface. The obstructions in the natural waterway south of Hay Creek Pines development are blocking the natural flow of the water to the south. I believe this blockage has raised the ground water level and created hardship for the development. The water-soaked clay soils have drowned hundreds of trees and caused the roads and driveways to breakup."

#3 - Jeff Schild — **Obstruction to a Drain/Watercourse (NDCC 61-16.1-1-51)**
Date: November 8, 2017
Complaint Against: **Randall Bakke**

Issue:
"A berm just south of the Subdivision (Hay Creek Pines) appears to be blocking the natural waterflow."

Impacts:
"Proper drainage of Hay Creek is not occurring on my property after spring snowmelt or heavier rain events due to the blockage. This leads to a large area of mushy ground and water not evacuating properly on my property and the lot directly south of me." {owners are Luke and Becca Stein}

CONSIDERATIONS

At their December 13, 2017 meeting the BCWRD authorized Houston Engineering to conduct a field survey and evaluate conditions within the watercourse. Mr. Bakke, the immediate downstream landowner, was notified by phone and letter that this site evaluation was to be completed, see **Exhibit B**. Unfortunately, due to weather conditions and crew availability they elected to complete this work on December 21st, without informing me; therefore, the email notice to Mr. Bakke was not provided. He was notified after the fact of this occurrence. He also requested through Manager Beck to obtain a copy of the Board's findings prior to their taking formal action on the complaints.

While the Christianson complaint was filed against "Burleigh County", neither the County nor the BCWRD have any obligation to maintain natural watercourses. The intent of the complaint is clearly directed and descriptive to the natural watercourse downstream from the Hay Creek Pines Subdivision. This was clarified with the Mr. Christianson today as noted in **Exhibit A1**.

The Laxdal and Schild complaints identified the same location on the watercourse for the alleged obstruction. The Schild's property is more directly impacted by any obstruction in the watercourse as it relates to surface flows and upstream ponding. Given the nature and location, these complaints are being considered concurrently, as they are focused on the same watercourse location and claim similar impacts.

A site survey, including centerline data and cross sections were completed through the area of the potential obstruction, south from the subdivision and through an old earthen berm in the downstream watercourse. A photo record of field observations was prepared to document existing conditions is included as **Exhibit C**.

FINDINGS

Based on site observations this is clearly a watercourse as defined under NDCC, which states

61-01-06. Watercourse - Definition.

A watercourse entitled to the protection of the law is constituted if there is a sufficient natural and accustomed flow of water to form and maintain a distinct and a defined channel. It is not essential that the supply of water should be continuous or from a perennial living source. It is enough if the flow arises periodically from natural causes and reaches a plainly defined channel of a permanent character. If requested by a water resource board, the state engineer shall determine if a watercourse is constituted.

Therefore, the BCWRD has jurisdictional authority over these complaints. A review of the natural watercourse indicated the following obstructions. These are documented in **Exhibit C,** photographic summary of site conditions, and **Exhibit D,** a plan and profile survey with cross sections.

1. **Rocks** - A number of large rocks were placed within the watercourse just south of the subdivision boundary near Station 50+40, see Photo #2 **Exhibit C**. These are not a natural occurrence and are considered an obstruction, therefore subject to removal by notice and order of the Board.

2. **Scour Location** - The surveyed watercourse centerline profile indicates a scour area exists between Station 55+10 to Station 55+50 downstream from the subdivision, see Photo #3 **Exhibit C**. It is unclear if this scour hole was created by the rock placement, or it may be a function of the directional flows entering the watercourse from the subdivision to the East converging with the larger flows from the North. Hay Creek has around a five-square mile watershed at this location, while the subdivision area is only around 80 acres. This scour hole is not an obstruction, however the sediments likely created from it and deposition from upstream inflows have impacted the watercourse gradient.

34

3. **Watercourse Gradient** - The existing watercourse gradient is affected several factors. The most visable is the accumulation of sediments south of the scour area, which is obstructing the watercourse conveyance in this location. Using available goggle aerial photography, provided in **Exhibit E,** one aerial dated May 30, 2014 shows standing water upstream from the southern subdivision boundary. This appears to indicate these obstructions are not new, but have existed for some time. This obstruction results in backwaters of nearly a foot into the subdivision to the north. This obstruction along with the other obstructions noted could be removed by conducting channel maintenance based on a uniform gradient of 0.32% in this reach, as illustrated on the watercourse profile on **Exhibit D**. These sediments are considered an obstruction; therefore, they are subject to removal by notice and order of the Board.

4. **Earthen Berm** - The preliminary engineering report for the Hay Creek Pines Groundwater Removal Project Stated the following:

   > *"The natural watercourse just south of the Hay Creek Pines subdivision has a large berm to the east side, which appears to have been placed to create some level of previous water storage. This berm appears to have been breached either by flows or by landowner action, and no longer retains water. The issue of this berm being an obstruction to the natural flows and backing waters into the southern of the subdivision has not been determined."*

   Based on this evaluation it was determined that the berm itself (i.e., breached embankment) is not obstructing the flow of water in the natural watercourse, though it is a restricted section and snow blockage is likely to occur during spring runoff due to the local higher topography and trees.

5. **Vegetation and Debris** – Overall there has been a lack of maintenance, i.e., mowing or clearing of vegetation and woody debris along this watercourse. This may be due to the recent highwater tables and periods of above average precipitation. This accumulation of materials results in an obstruction by slowing the removal of surface waters, thus raising the water surface profile, which increases the potential for infiltration occurring within the upstream channel. Modeling the surveyed channel section under maintained and existing conditions indicates an increased flow depth of over five six inches on a 10-year rainfall event. Since infiltration is a concern due to the already high groundwaters, watercourse maintenance would benefit the upstream properties. There are also locations containing trees and woody debris that are an obstruction, see Photo #9 Station 53+00, **Exhibit D**.

In summary, the watercourse suffers from various obstructions, (i.e., rocks, sediments, vegetation, debris, trees, etc.) from the southern boundary of the Hay Creek Pines Subdivision, at approximately, Station 55+45 south to a point just beyond the breached earthen berm location at Station 51+50. Additional maintenance downstream from this location would benefit the adjacent properties as well by improving the overall removal of surface waters.

As for the complaint against the Nitschke property, in our opinion this is not warranted or justified. The Nitschke's north property boundary is at approximately elevation 1846 or 6.8 feet lower than subdivision boundary. Therefore, there are no obstructions of a height that would impact the Hay Creek Pines Subdivision.

IMPACTS AND RESOLUTION

In considering the obstruction complaints there were several claims related to impacts within the subdivision. The purpose for this evaluation is not to quantify impacts, but only to determined that impacts are occurring. In addition, the source or causation of an obstruction is not necessary in determining its existence, as it remains the landowner's obligation to maintain the watercourse, and to remove any obstructions if so ordered by the BCWRD.

In our opinion, there are impacts occurring from the noted obstructions, however they appear localized to the southern portion of the subdivision. As documented in the *Hay Creek Pines Preliminary Engineering Report* that the larger groundwater issues within the subdivision to the north will not be resolved by removing these obstructions. The claim of impacts to trees, roadway, sump pumps are likely to be aggravated by any additional infiltration from the noted obstructions in the southern properties, but their removal would not resolve the larger groundwater issues to the north.

CONCLUSIONS AND RECOMMENDATIONS

The BCWRD has authority over the removal of the identified obstructions in this watercourse. Subsequently, it is recommended they consider issuing a Notice and Order to Mr. Bakke to conduct maintenance on the watercourse from the southern boundary of the subdivision to a point beyond the old berm that has been breached. This work is best completed after spring runoff, subsequently a May 30, 2018 deadline is in our opinion a reasonable timeline for corrective measures.

As a point of reference, during initial consultations with Mr. Bakke regarding the Hay Creek Pines Groundwater Removal project it was noted that maintenance along this segment of the watercourse was to be included in the project. However, under the current complaint findings the project is not obligated to pay for this work. Therefore, it is recommended the Board consult with Mr. Bakke prior to acting on any Notice and Order to remove the identified obstructions.

As for the complaint against the Nitschke's, we recommend that portion of these complaints be dismissed as not having any supporting justification.

In conclusion, there is a factual basis for all three obstruction complaints. Subsequently, after legal review and landowner consultation, it is recommended the BCWRD consider its authority to issue a Notice and Order to the landowner requiring the removal of the obstructions to restore the conveyance capacity of Hay Creek, and to establish a date for completing this work.

COMPLAINT FOR WATER-RELATED ISSUES

OFFICE OF THE STATE ENGINEER

SFN 60840 (11/2015)

Please submit to the water resource district in which the issue is located.
Contact information for water resource districts is available online at swc.nd.gov

GENERAL INFORMATION Ref: 2001 study by BCWRD (attached)

(1) This Complaint must include a map from an actual survey, aerial photo, or topographic map. The size of the map shall be at least 8½ by 11 inches and shall have a north arrow. If, in the opinion of the Water Resource District, the map does not contain enough information to properly evaluate the project, more information may be requested.

(2) The Complaint Is Regarding:

- ☐ Dam, Dike, Or Other Device (North Dakota Century Code (N.D.C.C.) § 61-16.1-53)
- ☐ Drainage (N.D.C.C. § 61-32-07)
- ☒ Obstruction To A Drain/Watercourse (N.D.C.C. § 61-16.1-51)

(3) Water issue is located in which Water Resource District (District)? Burleigh County

(4) Legal Description	1/4	1/4	Section	Township	Range
		NE	34	140N	80W

(5) Approximate Construction Date NA

(6) Description of the issue

Drainage in Hay Creek south of the Hay Creek Pines Subdivision is obstructed or "silted in" significantly causing the water table to rise within the subdivision. The High water table is impacting the road condition, killing trees and causing numerous sump pump operations.

(7) Is your property impacted? ☒ Yes ☐ No If Yes, number of acres impacted ≈ 80 Acres

Please explain

1. Asphalt road is breaking up
2. Trees have died and continue to die each spring
3. Significant frost heave of concrete slabs
4. Sump pump operates often.

Complaint Filed Against ~~Burleigh County~~			Complaint Filed By Gary Christenson		
Name (print) Randall Bakke			Name (print)		
Address 1850 Bonn Blvd.			Address 9200 Oak Drive		
City Bismarck	State ND	ZIP Code 58504	City Bismarck	State ND	ZIP Code 58503
Telephone Number (if known)			Telephone Number 701-400-8603		

Complainant's Signature Gary C Christenson Date 01-02-2018

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY.

DAM, DIKE, OR OTHER DEVICE COMPLAINTS (N.D.C.C. § 61-16.1-53):

The District will determine if a landowner or tenant constructed a dam, dike, or other device without first securing a construction permit as required under N.D.C.C. § 61-16.1-38, or in conflict with the terms or conditions of a construction permit. North Dakota Administrative Code § 89-08-01-01 defines "other device" as "a water control structure, other than a dam or dike, including diversions and holding ponds, lagoons, or dugouts."

DRAINAGE COMPLAINTS (N.D.C.C. § 61-32-07):

Surface Drainage: The District will determine if a landowner or tenant constructed any surface drainage that impacts a watershed area of 80 acres or more without first securing a drainage permit as required under N.D.C.C. § 61-32-03, or in conflict with the terms or conditions of a drainage permit.

Tile Drainage: The District will determine if a landowner or tenant constructed or installed a tile or subsurface drainage system with a footprint of 80 acres or more without first securing a tile or subsurface permit as required under N.D.C.C. § 61-32-03.1, or in conflict with the terms or conditions of a tile or subsurface permit.

OBSTRUCTION TO DRAIN COMPLAINTS (N.D.C.C. § 61-16.1-51):

The District will determine if a landowner or tenant has intentionally or negligently caused an obstruction to a natural watercourse or drain.

The District must act pursuant to the appropriate code listed above. The District shall investigate and make a determination within a reasonable time (not to exceed 120 days for dams, dikes, other devices, or drains). The District shall notify all parties of its decision as required by code. If complained of activity was a dam, dike, other device, or drain, the District's decision may be appealed to the State Engineer within 30 days of the District's decision. If the complained of activity was an obstruction to drain, the District's decision may be appealed to District Court.

FOR DISTRICT USE ONLY

Date Received	Date Investigated	
Does the complainant have standing to file a complaint? ☐ Yes ☐ No		
If No, why?		
Does the project have a Permit? ☐ Yes ☐ No	If Yes, Permit Number	Date Granted
Does the project meet a permitting exemption? ☐ Yes ☐ No		
If Yes, which one?		
Project Construction Date	Revision Date (If any)	
District Action		
District Action Compliance Date	Project Owner Compliance Date	Decision Appeal Date
Subsequent Action		
District Chairman's Signature		Date Of Signature

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY.

BURLEIGH COUNTY WATER RESOURCE DISTRICT
MONTHLY MEETING MINUTES
DECEMBER 10, 2001

BOARD MEMBERS PRESENT: BUCK MAHER, BRUCE LANGE, KEN ROYSE, WAYNE MARTINESON, HARVEY MELSTAD

BOARD MEMBERS ABSENT: NONE

OTHERS PRESENT: MIKE GUNSCH, SWENSON & HAGEN; DAVID BLISS, BLISS LAW FIRM

The regular monthly meeting was called to order at 8 am by Chairman Ken Royse. The minutes of the November meeting were reviewed. Melstad moved, seconded by Maher to approve the minutes. Motion carried.

Basement Remodeling
Clyde Thompson indicated that the Tom Baker Room has been reserved for the January and February meetings while the basement is being remodeled.

Missouri River/Burnt Creek FEMA Flood Insurance Study
The preliminary map for public review has not been received. Melstad moved, seconded by Martineson that Mike Gunsch develop a letter to John Liou of FEMA requesting expediting the release of the Missouri River Flood Insurance Study for public review. Motion carried.

Engineering Services
Maher moved, seconded by Martineson that Royse contact Swenson & Hagen regarding retaining Houston Engineering for engineering services after December 31, 2001. Motion carried, all in favor. Maher moved, seconded by Melstad that Royse and David Bliss start the negotiation process with Houston Engineering if appropriate. Motion carried, all in favor.

Walsh Dam
Mike Gunsch presented the Hay Creek Pines Subdivision Preliminary Groundwater Assessment Martineson moved, seconded by Lange that Gunsch mail the report to all residents of the subdivision. Motion carried, all in favor. The following conclusions were included in the report.

It is very clear a problem with groundwater exists within this subdivision, however, the specific number of affected residents was not determined. Therefore, it would be advantageous to conduct a more detailed groundwater assessment and monitoring program to assess the need and potential value of installing a groundwater control and/or removal system for this area. It does not appear that the development of a rural residential subdivision in this location is the direct cause for the identified problems as some residences are unaffected. The present groundwater problems appear to be mor related to construction practices and the placement of basements into soils that are susceptible to fluctuating groundwater levels. These problems might have been avoided with additional planning and analysis of soils conditions prior to construction, however, this type of assessment rarely occurs. Under such a planning process basements in this area may have been restrict to four feet in depth versus the current eight feet in many residences.

Since the problems within this subdivision affect a number of county residents in our opinion the District may at their discretion continue evaluating these groundwater issues. Considering a detailed groundwater assessment might result in the creation of a special assessment district project the District has the option to request the landowners file a written petition requesting the project evaluation be completed. In addition should the District deem it appropriate the petitioners may be required to post a bond to finance the

evaluation costs. If a project is developed the District would then proceed with the required legal process to establish the special assessment district. The petitioners in turn would be credited for their contribution to the study costs on their special assessments, if the project is approved constructed. The issue that arises at this stage is the feasibility of a regional system and the willingness of the resident to pay for such a system. It is our understanding based on landowners comments they want something done. It appears the issue at hand is how to finance the study. This is a determination to be made by the District and no specific recommendation is made in the memorandum. The District may also with to consider mailing this report to the residents along with a questionnaire to determine the extent of the problem at each residence.

McDowell Dam
Total Maximum Daily Loading (TMDL) Study - A letter from the District dated December 1, 2001 was sent to the ND Health Department requesting funding consideration for a proposed TMDL Study for the McDowell Dam and Reservoir. The letter, also, requested Houston Engineering to proceed with the preparation of an estimated project budget to be ready for consideration by the parties in early January 2002. The District will provide a copy of an approved budget for final funding to the ND State Health Department once the necessary commitments have been secured.

A letter from Natural Resources Conservation Service (NRCS) regarding rehabilitation of watershed dams was reviewed. Information on the program is available on the web at www.nrcs.usda.gov under "Aging Watershed Infrastructure". Mike Gunsch indicated the low level drawdown process at McDowell Dam is currently manual. He feels modifications could be included as part of the NRCS Small Watershed Rehabilitation Project. Further discussion was deferred until the January meeting.

Burleigh County Zoning Ordinance
A list of issues from Burleigh County Planning regarding proposed changes to the Burleigh County Zoning Ordinance relating to Missouri River corridor overlay district proposed river setback requirements was reviewed. Melstad moved, seconded by Martineson that Mike Gunsch coordinate discussion of the proposed ordinance the next BOMMM meeting December 17. Motion carried, all in favor.

Burnt Creek Floodway
Melstad moved, seconded by Maher to authorize Martineson to contact NRCS regarding the possibility of burning cattails in the channel. Motion carried.

WET Program
Melstad moved, seconded by Maher to provide scholarships for teachers teaching in Burleigh County to attend WET workshops near Washburn this summer. Motion carried, all in favor.

Subdivisions

River of Hope Addition	1996 43rd Ave NE	Part SE1/4 Section 15-139-80
(Part of the subdivision was noted in the floodplain on the plat map)		
Sylvia's Addition	(Near Fraine Barracks)	SE1/4SE1/4 Sec 31-139-80

The board had no comments.

Board Appointment
Harvey Melstad was reappointed to the board by the county commission for a term of three years.

Burleigh County Water Resource District

City/County Office Building - 221 North 5th Street
Bismarck, North Dakota 58501

Ken Royse, Chairman, Bismarck 258-1110
Bruce Lange, Secretary, Baldwin 328-2759
Harvey Melstad, Bismarck 222-4579
Francis Maher, Menoken 673-3161
Wayne Martinetson, Bismarck 258-6451

December 18, 2001

FIELD(NAME)
FIELD(SUBDIVISION)
FIELD(LOT & BLOCK)
FIELD(ADDRESS)
FIELD(STREET, STATE, ZIP)

Re: Hay Creek Pines Subdivision and 26th Street NE
Preliminary Groundwater Assessment

DearFIELD(NAME):

In June 2001 a number of citizens living in or near the Hay Creek Pines Subdivision as well as some living along 26th Street Northeast attended the regular monthly meeting of the Burleigh County Water Resource District (District). Their purpose was to inform the District regarding groundwater problems occurring within the Hay Creek Pines Subdivision and along a tributary to Hay Creek which crosses 26th Street Northeast to the southeast of this subdivision. In response to their concerns and request for assistance, the District authorized the completion of a preliminary study to assess the groundwater problems in these two areas. They also agreed to provide this report to the residents upon its completion. Enclosed is a copy of the completed report.

The District requests that you review the findings and conclusions contained in this report. Should the residents feel a need to discuss this issue further they are asked to file a written request with the District. It is also suggested the residents identify a personal representative or contact person for the subdivision. Upon receiving this written request a meeting date will be scheduled. It is anticipated this would occur during the regularly scheduled board meeting. Considering the nature of this issue, if a meeting is requested, in order to adequately assess the number of residences involved, a formal questionnaire may be sent to the residents to obtain additional background information prior to the hearing. This will also notify them regarding the date and time of the meeting to discuss this subject.

At this point the District does not intend to take any additional action on this matter.

Sincerely,

Ken Royse, Chairman

c: Michael H. Gunsch, P.E.
Swenson, Hagen & Co.

8

SWENSON, HAGEN & CO. P.C.
PLANNING CIVIL ENGINEERING SURVEYING
SITE DESIGN CONSTRUCTION MANAGEMENT

Hay Creek Pines Subdivision & 26th Street NE

Preliminary Groundwater Assessment

The Burleigh County Water Resource District (District) requested Swenson, Hagen & Co. to review and evaluate citizen complaints regarding groundwater problems within the Hay Creek Pines Subdivision, located in the NE1/4 of Section 34 Township 140 North, Range 79 West, north of Bismarck, see **Figure One**. This preliminary groundwater assessment is intended to address and/or answer the following questions:

1. Determine the potential regulatory issues and authorities associated with the existing dam and reservoir located west of the subdivision.

2. Determine the finished floor elevation for each residence, estimate basement floor elevations and then compare them to current water levels in the reservoir and any other notable locations where groundwater elevations can be determined. In addition projected costs shall be provided for a detailed groundwater assessment and monitoring program to assess the need and potential value of a groundwater control and/or removal system for this subdivision. This task included obtaining the names and addresses for all current residences. This list will be used to contact the residents or to provide them with copies of any reports that are completed.

3. Evaluate the possible connection or correlation of groundwater levels between the subdivision and water levels visible in a tributary to Hay Creek located to the southwest along 26th Street NE.

Item #1 - Existing Dam and Reservoir

Our survey of the private dam established the potential storage volume within this reservoir above current water levels. According to North Dakota State Water Commission representatives the North Dakota Century Code has been interpreted to read that a dam or structure which retains less than 12.5 acre-feet at its first principal spillway or control elevation does not require a permit. Based on the site survey and an approximation of water depths within the reservoir it was determined this dam retains less than the 12.5 acre-foot criteria that would trigger permit requirements for modifications and/or improvements. Therefore, in our opinion the District does not have regulatory authority over the spillway elevation or modifications to this structure.

909 BASIN AVENUE P.O. BOX 1135 BISMARCK, NORTH DAKOTA 58502
(701) 223-2609 (701) 223 2606 FAX

Item #2 - Groundwater Conditions and Residence Elevations

The primary issue associated with groundwater levels in this subdivision are the soils that exist in this area. The Soil Survey of Burleigh County, North Dakota, published by the Soils Conservation Service in December 1974, indicates three soil types occur within this subdivision, see **Figure Two**.

The first soil is the Straw Series (Sv, 0 to 3% slopes) which is located along and under the Hay Creek channel and existing reservoir. These soils are deep, nearly level, well-drained soils on flood plains of small creeks. Permeability is moderate. *Table 6 Engineering Interpretations* in the soil survey contains the following heading and comment "*Degree and kind of limitations for, Dwellings with basements – Severe: subject to flooding*". While it does not appear that any residences have been constructed on these soils, the proximity of these residences to these soils raises questions related to the current groundwater issues.

The second and larger group of soils, the Lehr series (LeA, 1 to 9% slopes), are located under the western and southern portions of the subdivision. These soils are shallow, nearly level to sloping, somewhat excessively drained soils that are underlain by gravel or coarse sand. Permeability is moderately rapid to very rapid. *Table 6 Engineering Interpretations* in the soil survey contains the following heading and comment "*Degree and kind of limitations for, Dwellings with basements – Slight*". Most of the residences west of Forest Drive and along the south end of the subdivision have been constructed in these areas. Also *Table 5 - Estimates of soil properties* indicates the depth to the seasonal high water table is greater than five feet. While this is not a very specific elevation, considering the soils are a gravel and gravelly sand loam they are very susceptible to the movement and potential storage of groundwater. This appears to have occurred as the flooding of basements has become a serious concern. These soils also extend along the south side of the subdivision east toward the area along 26th Street NE as noted in **Item #3**. If these soils have become saturated via recent above normal precipitation the appearance of high groundwater level is not unusual.

The third soils type underlying the remaining portions of the subdivision to the east and north is Roseglen-Tansem (RwA). These soils are deep, silt loams, nearly level and well drained with moderate permeability. They are also classified as some of the best soils in the county for farming. Surface runoff is slow, fertility is medium to high and these soils are moderately susceptible to blowing. *Table 6 Engineering Interpretations* has a comment under the heading "*Degree and kind of limitations for, Dwellings with basements – Moderate potential for frost action*". Considering the permeability of these soils, the existence of higher groundwater levels associated with local infiltration is possible. Though under most circumstances the installation of a perimeter drain tile system around the residence is normally adequate to accommodate such conditions.

In order to obtain sufficient data to begin evaluating the possible effects of groundwater on the residential structures a survey was conducted to determine the finished floor elevations for each residence as well as elevations in road ditches and at culverts. This survey information is shown on **Figure Three**. A larger scale drawing is available for those interested in viewing specific elevations.

After reviewing the survey data it was determined that some basement floor elevations are at or below the current water surface elevation behind the dam and local groundwater levels. Since only two water surface elevations were available from the survey it is difficult to specifically determine the gradient and direction of flow, if any, for these groundwaters. Though based on the two identified points a gradient to the southeast appears likely. This is somewhat similar to the general topography in this area. A geotechnical evaluation of groundwater conditions is necessary to make a more definitive determination. Since these groundwaters could be influenced by runoff from the upstream watershed it should be noted that the drainage area to 94th Avenue NE is five square miles as shown on **Figure One**.

It is our understanding a number of residences within this subdivision have suffered damages from groundwater infiltration. Sumps pumps are or have been running on a fairly frequent basis, especially following heavy rains during the past few years. Due to the nature of these comments this is deemed to be a serious situation, especially considering the potential flood risks associated with power failures.

While the residents have voiced concerns and placed blame on the existing dam and reservoir for the high groundwater levels, this cannot be substantiated based on the information we obtained. Considering other information it is likely the water levels in the reservoir might represent a groundwater window rather than an infiltration source. The option or feasability to install a regional drain tile system to lower the groundwater levels within this subdivision was also raised. In order to determine the feasability and/or cost/benefit for such a system a detailed soil and groundwater study needs to be completed. This study would consist of the installation of six strategically placed monitoring wells within the subdivision and subsequent groundwater evaluation. This drilling, monitoring, testing, evaluation and report is estimated to cost approximately $6,000. This does not include engineering oversight, additional survey work to determine well elevations and coordination of the groundwater assessment as well as collect additional information from the residents. The estimated cost for these services is approximately $2,500 for a total cost of $8,500.

Item #3. North 26th Street - Hay Creek Tributary Groundwater Issues

Several landowners and residents to the east of the Hay Creek Pines Subdivision noted their concern regarding groundwaters appearing at the surface on a tributary to Hay Creek. This area is located to the southwest of the Hay Creek Pines Subdivision along 26th Street NE, see **Figure Two**. According to the Burleigh County Soil Survey this area is underlain by Grail silt loams (GlA, 0% to 3% slopes). These soils are deep, nearly level to gently sloping, well drained soils with moderately slow permeability and a high water bearing capacity. *Table 6 Engineering Interpretations* has a comment under the heading *"Degree and kind of limitations for, Dwellings with basements – Severe; high shrink-swell potential"*. Based on a site inspection it appears the surface waters in this area are directly related to groundwater conditions and may be partially retained by channel conditions downstream. While regrading the channel downstream might lower these groundwater levels to some degree, without identifying the source of these waters the potential net benefit is unknown. Based on the soils map and proximity of these soils to the Lehr Soils located to the northwest there is also the potential for a groundwater connection between these soils.

Considering there are a limited number of residences in this area, no additional groundwater assessment is recommended. It is recommended, however, that the landowners seek to determine the existing stream gradient downstream. Based on their findings they should consider regrading the channel to improve surface drainage along this tributary. According to our recent survey, the three 30" CMP's under 26th Street NE have invert elevations around 1850.6, while the two 50" RCP's at 71st Avenue NE have an upstream invert of around 1842.1 msl. This represents a stream gradient of 0.0016 ft/ft or 0.16 percent which is fairly flat but typical for this portion of the watershed. It is our thought that the lowering of groundwater elevations west of 26th Street NE by one-foot via channel improvements would benefit this area.

Conclusions

It is very clear a problem with groundwater exists within this subdivision, however, the specific number of affected residents was not determined. Therefore, it would be advantageous to conduct a more detailed groundwater assessment and monitoring program to assess the need and potential value of installing a groundwater control and/or removal system for this area. It does not appear that the development of a rural residential subdivision in this location is the direct cause for the identified problems as some residences are unaffected. The present groundwater problems appear to be more related to construction practices and the placement of basements into soils that are susceptible to fluctuating groundwater levels. These problems might have been avoided with additional planning and analysis of soils conditions prior to construction, however, this type of assessment rarely occurs. Under such a planning process basements in this area may have been restricted to four feet in depth versus the current eight feet in many residences.

Since the problems within this subdivision affect a number of county residents in our opinion the District may at their discretion continue evaluating these groundwater issues. Considering a detailed groundwater assessment might result in the creation of a special assessment district project the District has the option to request the landowners file a written petition requesting the project evaluation be completed. In addition, should the District deem it appropriate the petitioners may be required to post a bond to finance the evaluation costs. If a project is developed the District would then proceed with the required legal process to establish the special assessment district. The petitioners in turn would be credited for their contribution to the study costs on their special assessments, if the project is approved constructed. The issue that arises at this stage is the feasability of a regional system and the willingness of the residents to pay for such a system. It is our understanding based on landowners comments they want something done. It appears the issue at hand is how to finance the study. This is a determination to be made by the District and no specific recommendation is made in this memorandum. The District may also wish to consider mailing this report to the residents along with a questionnaire to determine the extent of the problem at each residence.

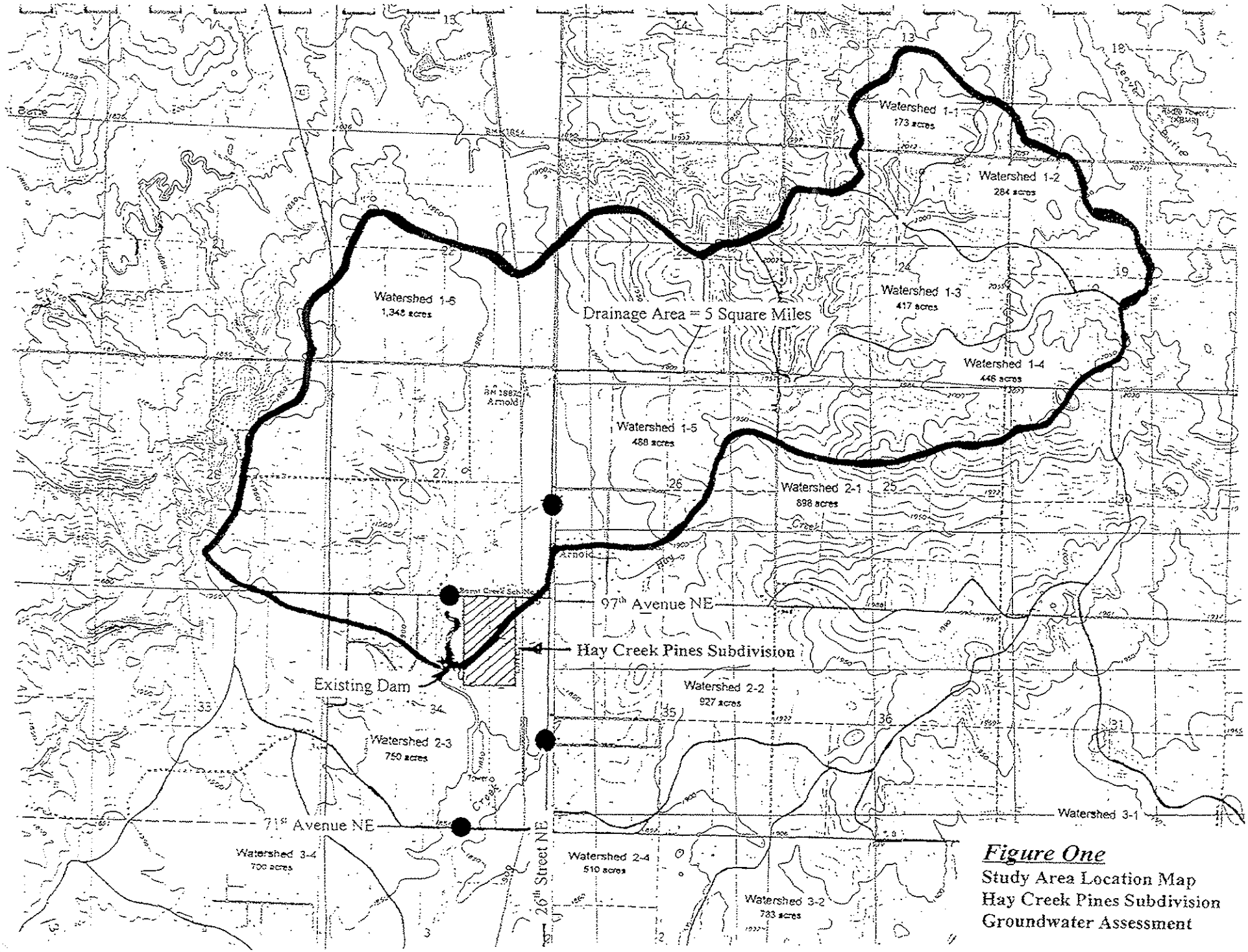


Figure One

Study Area Location Map
Hay Creek Pines Subdivision
Groundwater Assessment

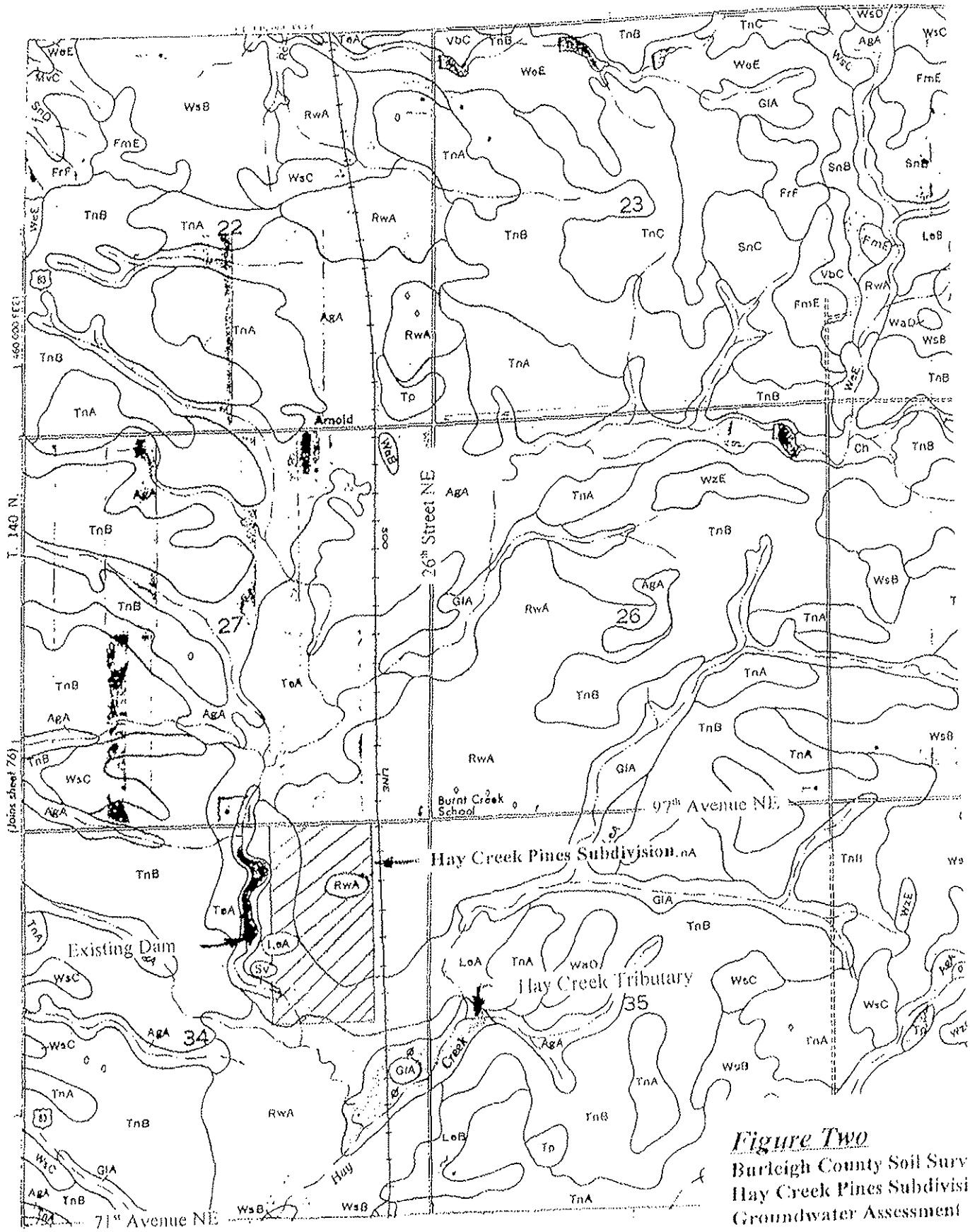


Figure Two
Burleigh County Soil Surv
Hay Creek Pines Subdivisi
Groundwater Assessment

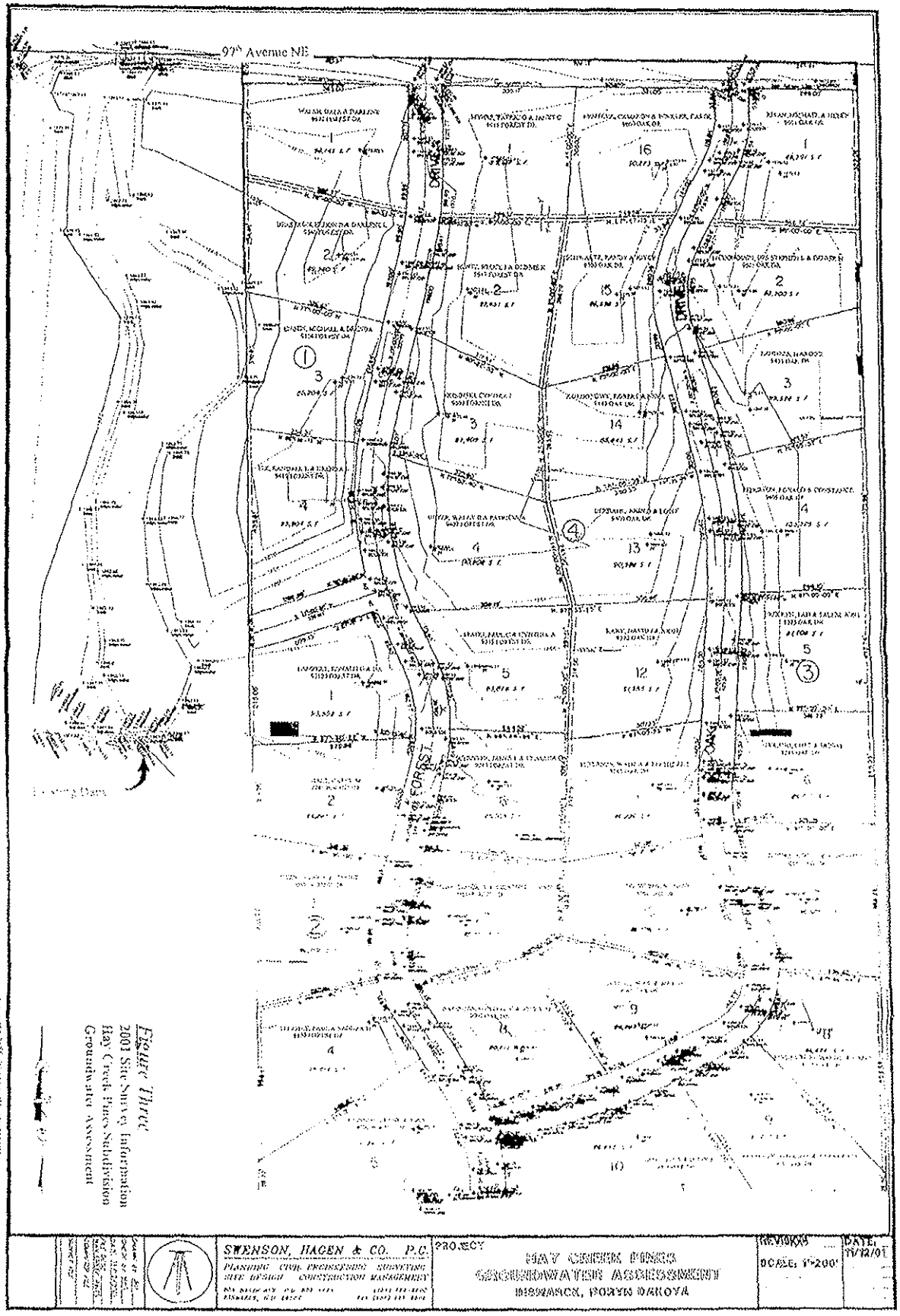


Figure Three
2001 Site Survey Information
Hay Creek Pines Subdivision
Groundwater Assessment

COMPLAINT FOR WATER-RELATED ISSUES

Burleigh County Water Resource District
1811 East Thayer Avenue
Bismarck, ND 58501
Phone: 701.223.3499
www.bcwrd.org

GENERAL INFORMATION

(1) This Complaint must include a map from an actual survey, aerial photo, or topographic map. The size of the map shall be at least 8½ by 11 inches and shall have a north arrow. If, in the opinion of the Water Resource District, the map does not contain enough information to properly evaluate the project, more information may be requested.

(2) The Complaint Is Regarding:

- ☐ Dam, Dike, Or Other Device (North Dakota Century Code (N.D.C.C.) §61-16.1-53)
- ☐ Drainage (N.D.C.C. §61-32-07)
- ■ Obstruction To A Drain/Watercourse (N.D.C.C. §61-16.1-51)

(3) Water issue is located in which Water Resource District (District)? Burleigh

(4) Legal Description	1/4	1/4	Section	Township	Range

(5) Approximate Construction Date

(6) Description of the issue natural waterway is blocked by unmanaged grass and silt.

(7) Is your property impacted? ■ Yes ☐ No If Yes, number of acres impacted 80 acres

Please explain Hay Creek Pines area has a high water table that is feed by ground water that flows in gravel vanes that are 3 to 4 feet from the surface. The obstructions in the natural waterway south of Hay Creek Pines development are blocking the natural flow of the water to the south. I believe this blockage has raised the ground water level and created hardship for the development. The water-soaked clay soils have drowned hundreds of trees and caused the roads and driveways to breakup.

Complaint Filed Against			Complaint Filed By		
Randall Bakke, Alton Nitschke			Noel Laxdal on behalf of Hay Creek Pines		
Name (print) Randall Bakke, Alton Nitschke			Name (print) Noel Laxdal		
Address 1850 Bonn, 2160 84th Avenue Ne			Address 9040 Oak Dr		
City Bismarck	State ND	ZIP Code	City Bismarck	State ND	ZIP Code 58503
Telephone number (if known)			Telephone number 701-471-7320		

By signing this form I certify (1) that this complaint is made in good faith and not to harass or annoy or for any other improper purpose and (2) that I have been provided a copy of N.D.C.C. §61-32-07 and N.D.C.C. §61-16.1-51. I understand that the Board may assess certain costs associated with this complaint under N.D.C.C. §61-16.1-51 or N.D.C.C. §61-32-07 if it finds the complaint to be frivolous.

Complainant's Signature: _____

Date 10-11-12

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY

DAM, DIKE, OR OTHER DEVICE COMPLAINTS (N.D.C.C. § 61-16.1-53):

The District will determine if a landowner or tenant constructed a dam, dike, or other device without first securing a construction permit as required under N.D.C.C. § 61-16.1-38, or in conflict with the terms or conditions of a construction permit. North Dakota Administrative Code § 89-08-01-01 defines "other device" as "a water control structure, other than a dam or dike, including diversions and holding ponds, lagoons, or dugouts."

DRAINAGE COMPLAINTS (N.D.C.C. § 61-32-07):

Surface Drainage: The District will determine if a landowner or tenant constructed any surface drainage that impacts a watershed area of 80 acres or more without first securing a drainage permit as required under N.D.C.C. § 61-32-03, or in conflict with the terms or conditions of a drainage permit.

Tile Drainage: The District will determine if a landowner or tenant constructed or installed a tile or subsurface drainage system with a footprint of 80 acres or more without first securing a tile or subsurface permit as required under N.D.C.C. § 61-32-03.1, or in conflict with the terms or conditions of a tile or subsurface permit.

OBSTRUCTION TO DRAIN COMPLAINTS (N.D.C.C. § 61-16.1-51):

The District will determine if a landowner or tenant has intentionally or negligently caused an obstruction to a natural watercourse or drain.

The District must act pursuant to the appropriate code listed above. The District shall investigate and make a determination within a reasonable amount of time (not to exceed 120 days for dams, dikes, other devices, or drains). The District shall notify all parties of its decision as required by code. If complained of activity was a dam, dike, other device, or drain, the District's decision may be appealed to the State Engineer within 30 days of the District's decision. If the complained of activity was an obstruction to drain, the District's decision may be appealed to District Court.

FOR DISTRICT USE ONLY

Date Received	Date Investigated	
Does the complainant have standing to file a complaint? ☐ Yes ☐ No		
If No, why?		
Does the project have a Permit? ☐ Yes ☐ No	If Yes, Permit Number	Date Granted
Does the project meet a permitting exemption? ☐ Yes ☐ No		
If Yes, which one?		
Project Construction Date	Revision Date (if any)	
District Action		
District Action Compliance Date	Project Owner Compliance Date	Decision Appeal Date
Subsequent Action		
Chairman's Signature	Date of Signature	

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY

10?
4?

SCHILD, JEFFREY J & MEGAN L
SAUER, CRAIG & LAURA
LARSON, JOHN A & PEGGY L
OAK DR
JOHNSON, FRANK & JOAN
BLACK, BRIAN & ALISON
GLASER, JOHN & ANGELA
NITSCHKE, ALTON A & ARLENE E

or order of the water resource board, if the cost of construction of such drains has been paid, be consolidated into one drain or drainage system and shall be renumbered and may be renamed.

61-16.1-51. Removal of obstructions to drain - Notice and hearing - Appeal - Injunction - Definition.

1. If a water resource board determines that an obstruction to a drain has been caused by the negligent act or omission of a landowner or tenant, the board shall notify the landowner by registered mail at the landowner's post-office address of record. A copy of the notice must also be sent to the tenant, if any. The notice must specify the nature and extent of the obstruction, the opinion of the board as to its cause, and must state that if the obstruction is not removed within such period as the board determines, but not less than fifteen days, the board shall procure removal of the obstruction and assess the cost of the removal, or the portion the board determines appropriate, against the property of the landowner responsible. The notice must also state that the affected landowner, within fifteen days of the date the notice is mailed, may demand, in writing, a hearing on the matter. Upon receipt of the demand, the board shall set a hearing date within fifteen days from the date the demand is received. In the event of an emergency, the board may immediately apply to the appropriate district court for an injunction prohibiting a landowner or tenant from maintaining an obstruction. Assessments levied under the provisions of this section must be collected in the same manner as other assessments authorized by this chapter. If, in the opinion of the board, more than one landowner or tenant has been responsible, the costs may be assessed on a pro rata basis in accordance with the proportionate responsibility of the landowners. A landowner aggrieved by action of the board under this section may appeal the decision of the board to the district court of the county in which the land is located in accordance with the procedure provided in section 28-34-01. A hearing as provided for in this section is not a prerequisite to an appeal. If a complaint is frivolous in the discretion of the board, the board may assess the costs of the frivolous complaint against the complainant. If the obstruction is located in a road ditch, the timing and method of removal must be approved by the appropriate road authority before the notice required by this section is given and appropriate construction site protection standards must be followed.
2. For the purposes of this section, "an obstruction to a drain" means a barrier to a watercourse, as defined by section 61-01-06, or an artificial drain, including if the watercourse or drain is located within a road ditch, which materially affects the free flow of waters in the watercourse or drain.
3. Following removal of an obstruction to a drain, either by a water resource board or by a party complying with an order of a water resource board, the board may assess its costs against the property of the responsible landowner.

61-16.1-52. Closing a noncomplying drain - Notice and hearing - Appeal - Injunction.
Repealed by S.L. 1987, ch. 642, § 13.

61-16.1-53. Removal of a noncomplying dike, dam, or other device - Notice and hearing - Appeal - Injunction.

1. Upon receipt of a complaint of unauthorized construction of a dike, dam, or other device for water conservation, flood control, regulation, watershed improvement, or storage of water, the water resource board shall promptly investigate and make a determination thereon. If the board determines that a dike, dam, or other device, capable of retaining, obstructing, or diverting more than fifty acre-feet [61674.08 cubic meters] of water or twenty-five acre-feet [30837.04 cubic meters] of water for a medium-hazard or high-hazard dam, has been established or constructed by a landowner or tenant contrary to this title or any rules adopted by the board, the board shall notify the landowner by certified mail at the landowner's post-office address of record. A copy of the notice must also be sent to the tenant, if any. The notice must

COMPLAINT FOR WATER-RELATED ISSUES

Burleigh County Water Resource District
1811 East Thayer Avenue
Bismarck, ND 58501
Phone: 701.222.3499
www.bcwrd.org

GENERAL INFORMATION

(1) This Complaint must include a map from an actual survey, aerial photo, or topographic map. The size of the map shall be at least 8½ by 11 inches and shall have a north arrow. If, in the opinion of the Water Resource District, the map does not contain enough information to properly evaluate the project, more information may be requested.

(2) The Complaint Is Regarding:

- ☐ Dam, Dike, Or Other Device (North Dakota Century Code (N.D.C.C.) §61-16.1-53)
- ☐ Drainage (N.D.C.C. §61-32-07)
- ☒ Obstruction To A Drain/Watercourse (N.D.C.C. §61-16.1-51)

(3) Water issue is located in which Water Resource District (District)? Burleigh County WRD

(4) Legal Description	NW 1/4 ?	SE 1/4	Section 34	Township 140 N	Range 80 W

Burnt Creek Township

(5) Approximate Construction Date N/A

(6) Description of the issue

A berm just south of the subdivision (Hay Creek Pines) appears to be blocking the natural waterflow.

(7) Is your property impacted? ☒ Yes ☐ No If Yes, number of acres impacted < 1

Please explain

Proper drainage of Hay Creek is not occurring on my property after spring melt or heavier rain events due to the blockage. This leads to a large area of mushy ground and water not evacuating properly on my property and the lot directly south of me.

Complaint Filed Against			Complaint Filed By		
Name (print) Randall Bakke			Name (print) Jeffrey Schild		
Address 1850 Bonn Blvd			Address 9130 Forest Dr		
City Bismarck	State ND	ZIP Code 58504	City Bismarck	State ND	ZIP Code 58503
Telephone number (if known)			Telephone number		

By signing this form I certify (1) that this complaint is made in good faith and not to harass or annoy or for any other improper purpose and (2) that I have been provided a copy of N.D.C.C. §61-32-07 and N.D.C.C. §61-16.1-51. I understand that the Board may assess certain costs associated with this complaint under N.D.C.C. §61-16.1-51 or N.D.C.C. §61-32-07 if it finds the complaint to be frivolous.

Complainant's Signature: [signature]

Date 11/8/17

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY

DAM, DIKE, OR OTHER DEVICE COMPLAINTS (N.D.C.C. § 61-16.1-53):

The District will determine if a landowner or tenant constructed a dam, dike, or other device without first securing a construction permit as required under N.D.C.C. § 61-16.1-38, or in conflict with the terms or conditions of a construction permit. North Dakota Administrative Code § 89-08-01-01 defines "other device" as "a water control structure, other than a dam or dike, including diversions and holding ponds, lagoons, or dugouts."

DRAINAGE COMPLAINTS (N.D.C.C. § 61-32-07):

Surface Drainage: The District will determine if a landowner or tenant constructed any surface drainage that impacts a watershed area of 80 acres or more without first securing a drainage permit as required under N.D.C.C. § 61-32-03, or in conflict with the terms or conditions of a drainage permit.

Tile Drainage: The District will determine if a landowner or tenant constructed or installed a tile or subsurface drainage system with a footprint of 80 acres or more without first securing a tile or subsurface permit as required under N.D.C.C. § 61-32-03.1, or in conflict with the terms or conditions of a tile or subsurface permit.

OBSTRUCTION TO DRAIN COMPLAINTS (N.D.C.C. § 61-16.1-51):

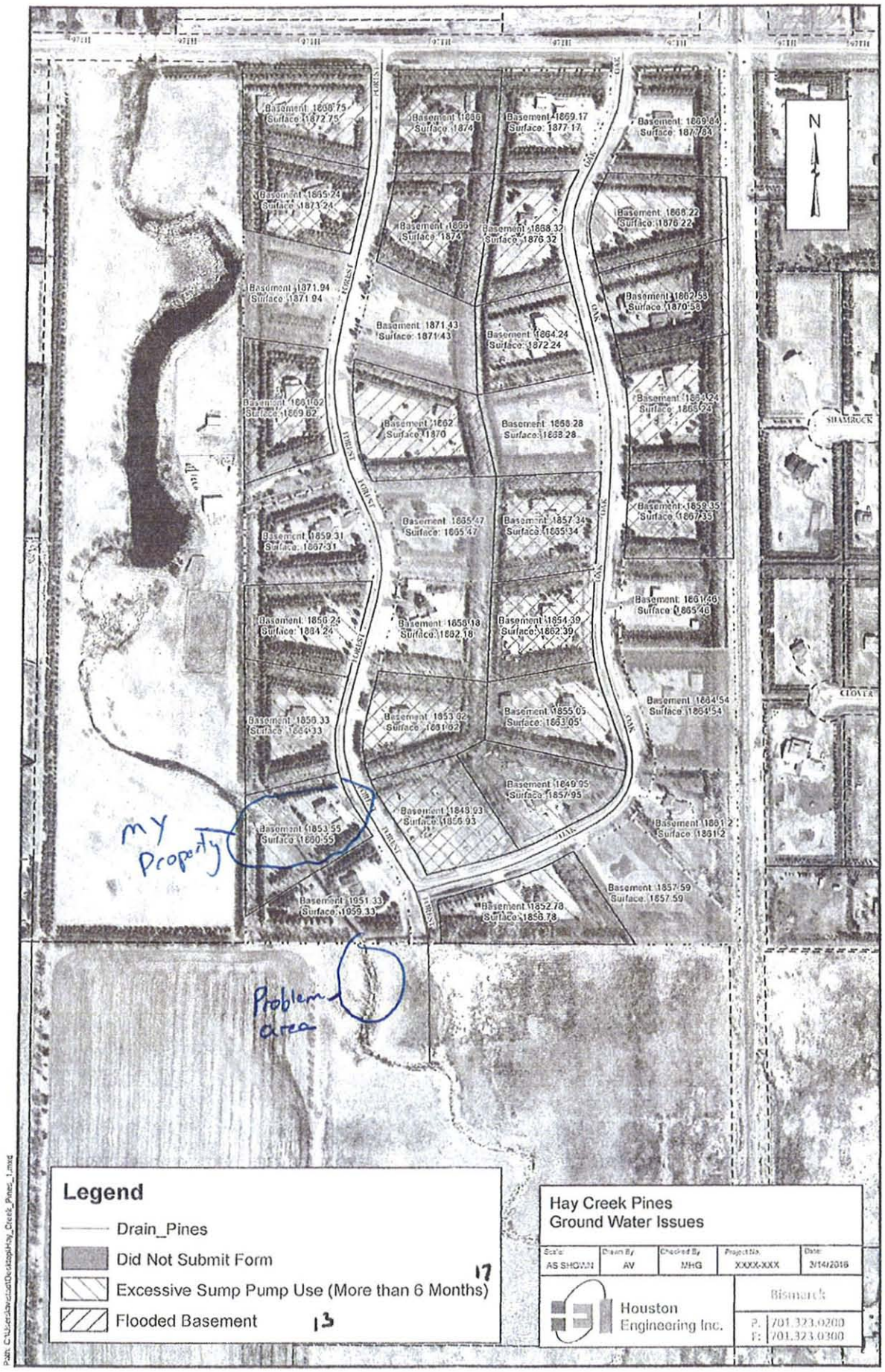
The District will determine if a landowner or tenant has intentionally or negligently caused an obstruction to a natural watercourse or drain.

The District must act pursuant to the appropriate code listed above. The District shall investigate and make a determination within a reasonable amount of time (not to exceed 120 days for dams, dikes, other devices, or drains). The District shall notify all parties of its decision as required by code. If complained of activity was a dam, dike, other device, or drain, the District's decision may be appealed to the State Engineer within 30 days of the District's decision. If the complained of activity was an obstruction to drain, the District's decision may be appealed to District Court.

FOR DISTRICT USE ONLY

Date Received	Date Investigated	
Does the complainant have standing to file a complaint? ☐ Yes ☐ No		
If No, why?		
Does the project have a Permit? ☐ Yes ☐ No	If Yes, Permit Number	Date Granted
Does the project meet a permitting exemption? ☐ Yes ☐ No		
If Yes, which one?		
Project Construction Date	Revision Date (if any)	
District Action		
District Action Compliance Date	Project Owner Compliance Date	Decision Appeal Date
Subsequent Action		
Chairman's Signature	Date of Signature	

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY


Basement 1868.75
Surface 1872.75
Basement 1866
Surface 1874
Basement 1869.17
Surface 1877.17
Basement 1869.64
Surface 1877.64
Basement 1865.24
Surface 1873.24
Basement 1866
Surface 1874
Basement 1868.32
Surface 1876.32
Basement 1868.22
Surface 1876.22
Basement 1871.94
Surface 1871.94
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Basement 1864.24
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Basement 1862.58
Surface 1870.58
Basement 1861.62
Surface 1869.62
Basement 1862
Surface 1870
Basement 1868.28
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Basement 1864.24
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Basement 1856.24
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Surface 1865.46
Basement 1850.33
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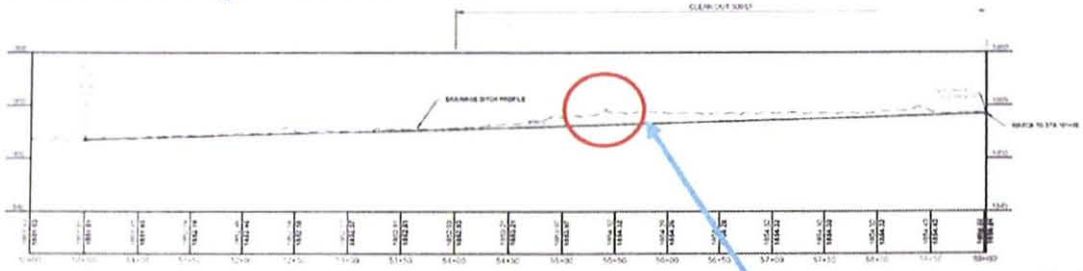
Basement 1853.55
Surface 1860.55
Basement 1849.93
Surface 1856.93
Basement 1861.2
Surface 1861.2
Basement 1851.33
Surface 1859.33
Basement 1852.78
Surface 1856.78
Basement 1857.59
Surface 1857.59
N
SHAMROCK
CLOVER
FOREST
OAK
My Property
Problem area
Legend
Drain_Pines
Did Not Submit Form
17
Excessive Sump Pump Use (More than 6 Months)
Flooded Basement
13
Hay Creek Pines
Ground Water Issues
Scale: AS SHOWN
Drawn By: AV
Checked By: MHG
Project No.: XXXX-XXX
Date: 3/14/2016
Houston Engineering Inc.
Bismarck
P: 701.323.0200
F: 701.323.0300
Path: C:\Users\avaughn\Desktop\Hay_Creek_Pines_1.mxd

North →

Surface Water Drainage

Include regrading in overall project, however it will not resolve the groundwater issues.



	Houston Engineering Inc.	Drawn by AV	Date 9.15.16	HAY CREEK PINES BURLEIGH COUNTY BURLEIGH COUNTY, NORTH DAKOTA	DRAINAGE DITCH PROFILE PROJECT NO 6025-018	SHEET 1 of 1
		Checked by MHG	Scale AS SHOWN			

from The Hay Creek Pines Groundwater Removal Project Technical findings
Date: Aug 4, 2017

- The private access roadway contains 4-18" CMP's, which are too small to convey the projected flows from the upstream watershed. Subsequently, this access is routinely overtopped during spring runoff and heavy rainfalls. This overtopping and culvert flows may have created sediment accumulation downstream, which is undetermined due to the height of the existing vegetative overgrowth. This vegetation would create a local obstruction that retains water in the culverts and upstream as well as impacting flows.

- The landowner noted an area on the north and east side of the private access where drainage was poor and flooding of areas occurred in a low area. This could be resolved with channelization along the roadway, which is outside of the natural watercourse. Elevations at the top of the private access indicate that overflows would need to occur before backwaters would extend out into the low areas that flood. The project releases would not create measurable increases in water surface elevations, therefore no impacts will occur.

- The area east of the private access is experiencing issues associated with the overgrowth of vegetation due to wet conditions and groundwater flows from upstream, including the watershed to the east of 26th Avenue and north to the project outfall.

- The natural watercourse north to the project outfall appears is affected by overgrowth in vegetation, however it appears common throughout this area any in other similar watercourses in the area.

- The natural watercourse just south of the Hay Creek Pines subdivision has a large berm to the east side, which appears to have been placed to create some level of previous water storage. This berm appears to have been breached either by flows or by landowner action, and no longer retains water. The issue of this berm being an obstruction to the natural flows and backing waters into the southern end of the subdivision has not been determined.

✓ Lowering groundwater levels will expand the distance between base of the septic systems and groundwater, subsequently decreasing the potential risk for direct connection transfer. It was noted that some septic systems in this subdivision have been converted from standard installations to mound systems due to groundwater issues.

✓ Lowering groundwater levels will improve the capacity of the soils to accept runoff via the infiltration of rainfall and snowmelt. This reduction in runoff is projected to be in the range of 10% to 20%, which could significantly reduce stream flows from the subdivision. As a point of reference this level of reduction could reduce discharges from this subdivision on a 2-year (AMC-II) rainfall event by 0.24 to 0.48 ac-ft. While precipitation would now infiltrate, additional losses would then occur due to evaporation and groundwater movement into the sands below the drain tile system, therefore this represents a net reduction in downstream flows.

✓ The influence of rural water on groundwaters was raised. While this has decreased the use of wells for domestic use, which we understand were limited to a few residences, the groundwater impacts are small compared to other factors. As an example, groundwater in the spring of 2017 increased from 2.5 to 3.0 feet due to snowmelt infiltration. This dramatic increase is not possible based on rural water and septic infiltration alone. These influences were included in the groundwater model calibration.

47

Burleigh County Water Resource District

1720 Burnt Boat Drive, Suite 205
Bismarck, North Dakota 58503
www.bcwrd.org

Exhibit B

December 19, 2017

Mr. Randall Bakke
1850 Bonn Boulevard
Bismarck, ND 58501

Re: Watercourse Obstruction – Hay Creek

Dear Mr. Bakke:

I notified your office by phone that the Burleigh County Water Resource District (BCWRD) has received three separate complaints regarding an obstruction to the natural watercourse located on your property south of the Hay Creek Pines Subdivision. A copy of these complaints is enclosed with this letter.

At their December meeting the Board directed Houston Engineering to conduct a field survey and investigation of the existing channel conditions. It is anticipated a survey crew will be on site within the next few weeks. After which an evaluation will be made as to the existence and status of any obstruction. We will email you notice as to when the survey crew will be on your property. We also understand that your schedule is full and you are unlikely to be available during this time.

Once the field investigation is completed we will notify you regarding the findings and any subsequent potential actions by the BCWRD.

We appreciate your cooperation in this matter. If you have questions, please call me at 220-5513.

Respectfully,

Rodney Beck

Rodney Beck, Manager

enclosures

C: BCWRD Board Members
David Bliss, Bliss Law
Michael Gunsch, Houston Engineering

Current Board Members:
Greg Larson, Chairman, Bismarck 400-7217 Dennis Reep, Vice Chairman, Bismarck 223-7052 Rick Detwiler, Secretary/Treasurer, Bismarck 223-8782 Rodney Beck, Bismarck 220-5313 James Landenberger 426-6439

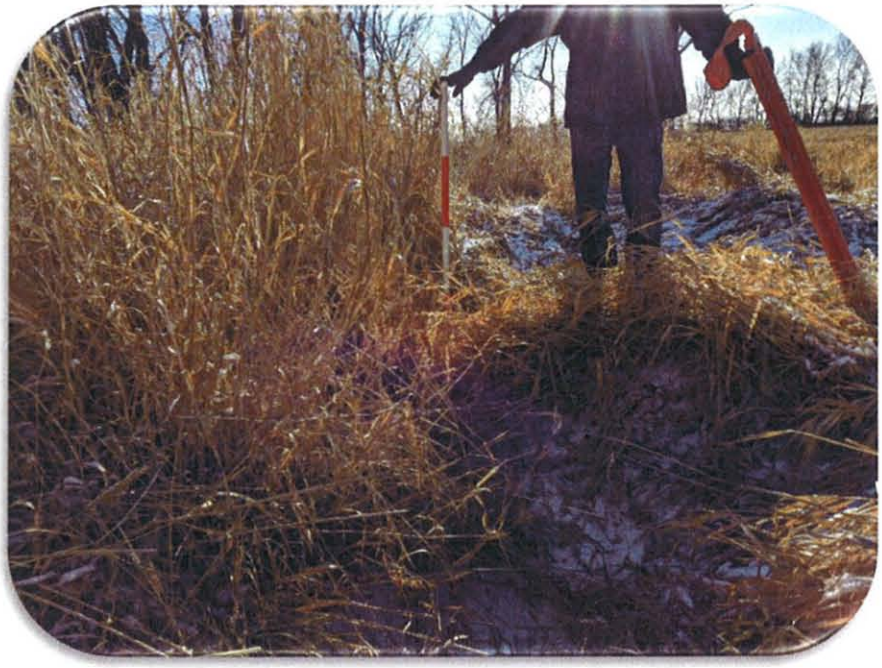
Exhibit C

HAY CREEK PINES

WATERCOURSE OBSTRUCTION COMPLAINTS

#1 SE along STREAM PROFILE - Looking south toward the subdivision boundary

#2 South at STA 55 + 40 – Rocks placed in the watercourse east side



#3 South at STA 55 + 25 – Scour location and sediments to the south

#4 East at STA 54 + 25

#5 South at STA 54 + 10 – Heavily vegetated watercourse

#6 East over the berm at STA 54 + 10

#7 East over the berm at STA 53 + 00

#8 East over the berm at STA 53 + 25

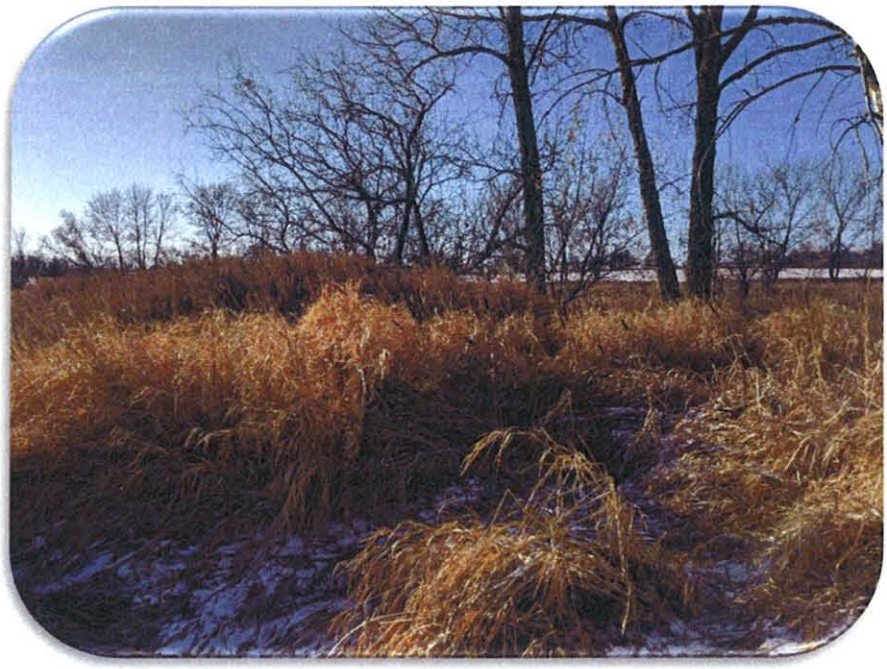
#9 South at STA 53 + 00 – Watercourse obstructed by trees and debris

#10 East at STA 53 + 00

#11 Southeast at STA 52 + 50 – Watercourse obstructed by trees

#12 Northwest along berm alignment from south side at STA 51 + 80

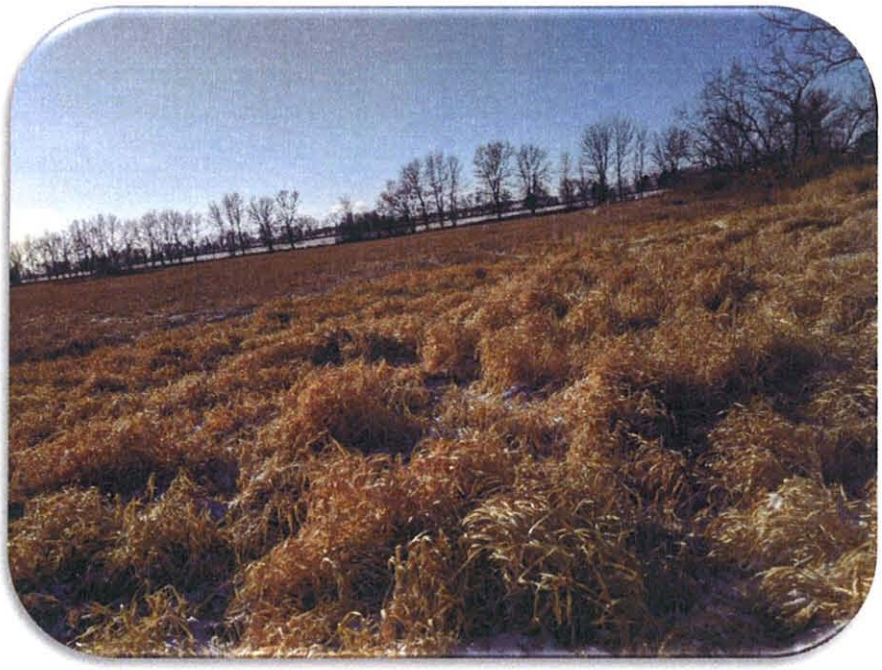
#13 Southwest along berm from north side at STA 51 + 90



#14 Easterly over the breach at STA 52 + 10

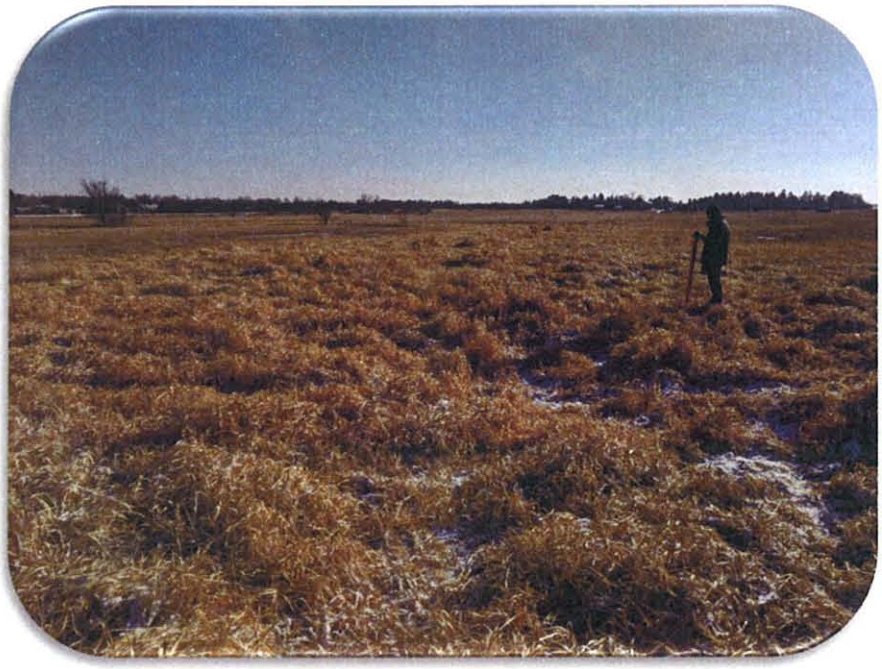
#15 South westerly toward the berm and breach location at STA 51 + 25

#16 Northeasterly away from watercourse at STA 51 + 25



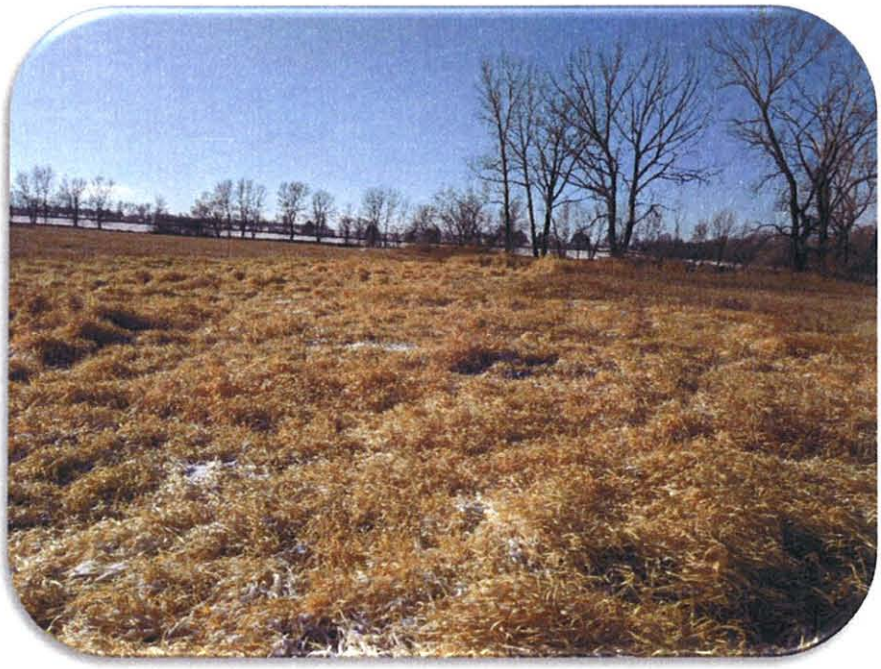
#17 Southwesterly away from watercourse at STA 51 + 25

#18 East downstream along the watercourse at STA 51 + 00



#19 Southeast along the natural watercourse at STA 51 + 00

#20 South from the watercourse at STA 50 + 25

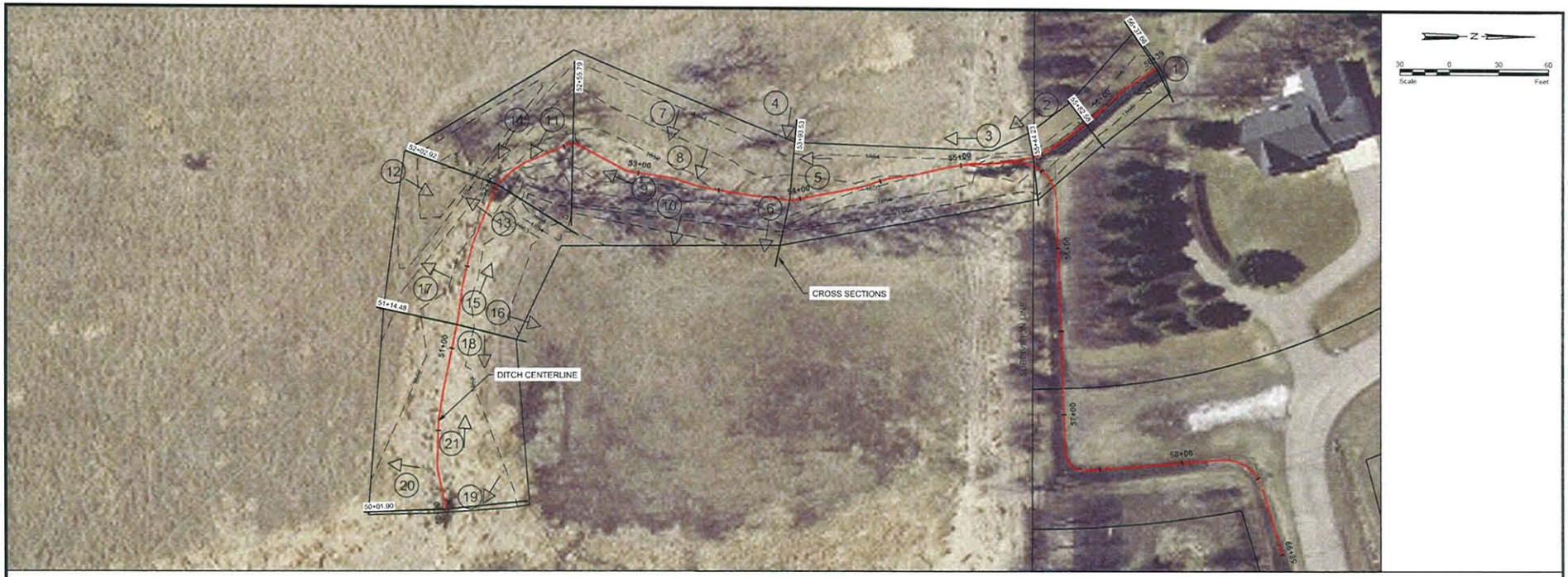


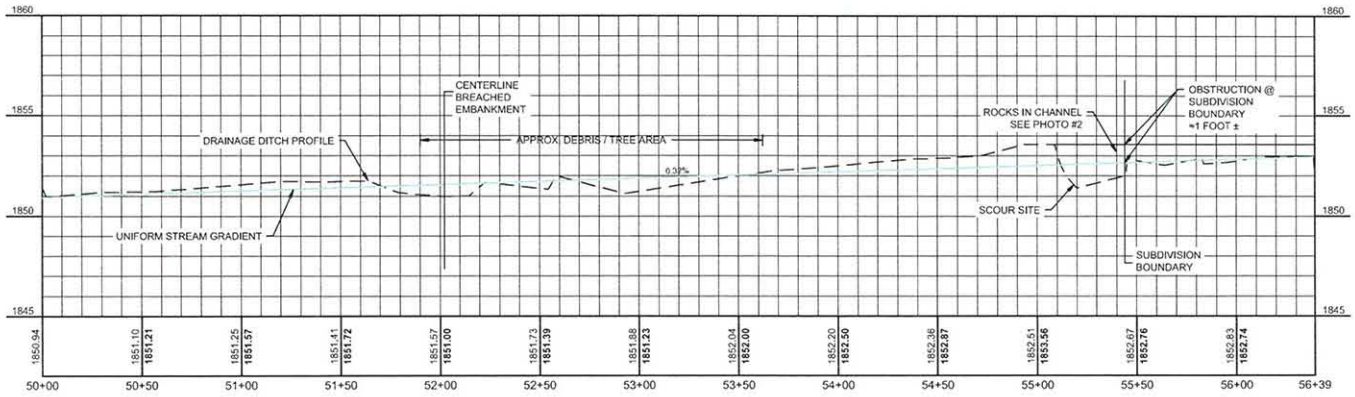
#21 West upstream along the watercourse STA 50 + 25

Notes:

1. *Stationing of photos is approximate and are used to illustrate general location. The figure provides the general location and direction from which the photo was taken.*

2. *Survey profile data was collected along the watercourse centerline, which may vary as vegetation was relatively heavy and matted, therefore cross-section data was collected in selected locations to define the available conveyance section.*





No.	Revision	Date	By

PRELIMINARY
Not for Construction

Houston Engineering Inc.
Bismarck
P: 701.323.0200
F: 701.323.0300

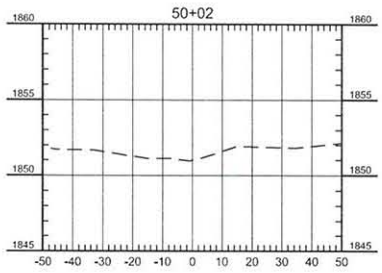
Drawn by	Date
ZJH	12-27-2017
Checked by	Scale
MG	AS SHOWN

HAY CREEK PINES
BURLEIGH COUNTY
BURLEIGH COUNTY, NORTH DAKOTA

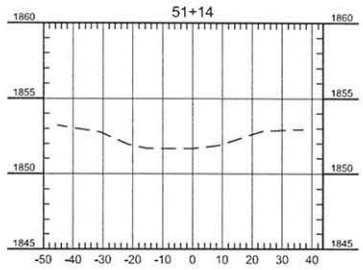
EXHIBIT D
HAY CREEK PROFILE
PROJECT NO. 6025-018

SHEET
1 of 2

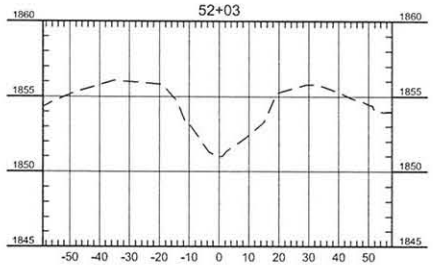
H:\Bismarck\JBN\6025 Burleigh Co WRD\6025-018 BCWRD Drainage Complaints\6025-018-014 Hay Creek Pines Subdivision\CAD\Exhibits\Drainage Profile 12-28-2017.dwg Layout1 12/28/2017 3:20 PM jcharlung



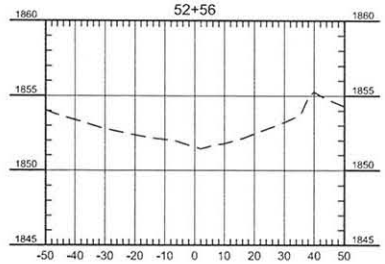
DOWN STREAM
WATERCOURSE



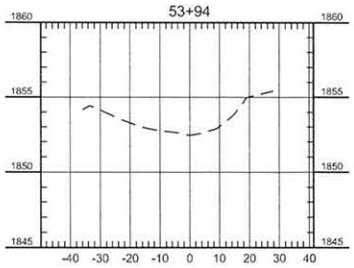
EAST OF BERM



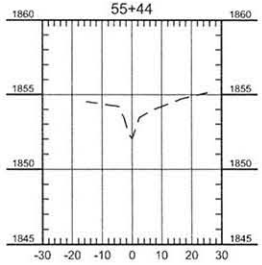
THROUGH EARTHEN
BERM N-S



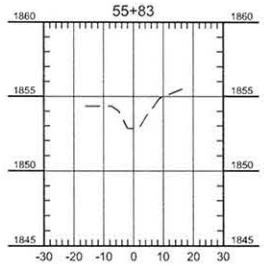
UPSTREAM
FROM BERM



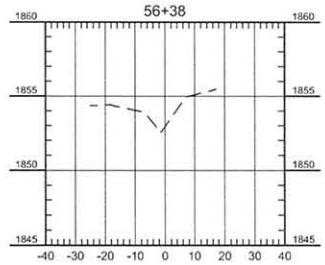
DOWN STREAM FROM
SEDIMENT OBSTRUCTION



AT SUBDIVISION
BOUNDART



UPSTREAM FROM
SUBDIVISION BOUNDARY



SOUTH OF STREAM
CROSSING

No.	Revision	Date	By

PRELIMINARY
Not for Construction

Houston Engineering Inc.
Bismarck
P: 701.323.0200
F: 701.323.0300

Drawn by	Date
ZJH	12-27-2017
Checked by	Scale
MG	AS SHOWN

HAY CREEK PINES
BURLEIGH COUNTY
BURLEIGH COUNTY, NORTH DAKOTA

EXHIBIT D
HAY CREEK CROSS SECTIONS
PROJECT NO. 6025-018

SHEET
2 of 2

H:\Bismarck\JBN\6025 Burleigh Co. WRD\6025-018 BCWRD Drainage Complaints\6025-018-014 Hay Creek Pines Subdivision\CAD\Exhibits\Drainage Profile 12-28-2017.dwg CROSS SECTIONS 12/28/2017 3:30 PM (dharsing)

Hay Creek Pines 9/22/1997
Exhibit E
Legend
Google Earth
Image U.S. Geological Survey
N
500 ft

Hay Creek Pines 5/2/2002
Legend
Google Earth
Image © 2017 DigitalGlobe
N
500 ft

Hay Creek Pines 8/3/2003
Legend
Google Earth
Image USDA Farm Service Agency
500 ft
N

Hay Creek Pines 5/30/2004
Legend
Google Earth
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500 ft

Hay Creek Pines 9/13/2004
Legend
Google Earth
Image © 2017 DigitalGlobe
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Hay Creek Pines 7/9/2005
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Google Earth
Image USDA Farm Service Agency
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500 ft

5

Hay Creek Pines 9/21/2005
Legend
Google Earth
Image USDA Farm Service Agency
Image © 2017 DigitalGlobe
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Hay Creek Pines 5/26/2006
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Google Earth
Image © 2017 DigitalGlobe
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Hay Creek Pines 5/16/2007
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Google Earth
Image © 2017 DigitalGlobe
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Hay Creek Pines 8/21/2009
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Google Earth
Image USDA Farm Service Agency
N
500 ft

Hay Creek Pines 12/30/2010
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Google Earth
Image USDA Farm Service Agency
N
500 ft

Hay Creek Pines 7/11/2011
Legend
Google Earth
Image © 2017 DigitalGlobe
500 ft
N

Hay Creek Pines 9/4/2011
Legend
Google Earth
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Hay Creek Pines 9/30/2013
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Google Earth
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N

Hay Creek Pines 9/14/2014
Legend
Google Earth
N
500 ft

Hay Creek Pines 5/30/2017
Legend
Google Earth
N
500 ft

COPY

Burleigh County Water Resource District

1720 Burnt Boat Drive, Suite 205
Bismarck, North Dakota 58503
www.bcwrd.org

December 19, 2017

Mr. Randall Bakke
1850 Bonn Boulevard
Bismarck, ND 58501

Re: Watercourse Obstruction – Hay Creek

Dear Mr. Bakke:

I notified your office by phone that the Burleigh County Water Resource District (BCWRD) has received three separate complaints regarding an obstruction to the natural watercourse located on your property south of the Hay Creek Pines Subdivision. A copy of these complaints is enclosed with this letter.

At their December meeting the Board directed Houston Engineering to conduct a field survey and investigation of the existing channel conditions. It is anticipated a survey crew will be on site within the next few weeks. After which an evaluation will be made as to the existence and status of any obstruction. We will email you notice as to when the survey crew will be on your property. We also understand that your schedule is full and you are unlikely to be available during this time.

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We appreciate your cooperation in this matter. If you have questions, please call me at 220-5513.

Respectfully,

Rodney Beck

Rodney Beck, Manager

enclosures

C: BCWRD Board Members
David Bliss, Bliss Law
Michael Gunsch, Houston Engineering

Current Board Members:
Greg Larson, Chairman, Bismarck 400-7217 Dennis Reep, Vice Chairman, Bismarck 223-7052 Rick Detwiller, Secretary/Treasurer, Bismarck 223-8782 Rodney Beck, Bismarck 220-5313 James Landenberger 426-6439

18

COMPLAINT FOR WATER-RELATED ISSUES

Burleigh County Water Resource District

1811 East Thayer Avenue
Bismarck, ND 58501
Phone: 701.222.3499
www.bcwrd.org

GENERAL INFORMATION

(1) This Complaint must include a map from an actual survey, aerial photo, or topographic map. The size of the map shall be at least 8½ by 11 inches and shall have a north arrow. If, in the opinion of the Water Resource District, the map does not contain enough information to properly evaluate the project, more information may be requested.

(2) The Complaint Is Regarding:

- ☐ Dam, Dike, Or Other Device (North Dakota Century Code (N.D.C.C.) § 61-16.1-53)
- ☐ Drainage (N.D.C.C. § 61-32-07)
- ■ Obstruction To A Drain/Watercourse (N.D.C.C. § 61-16.1-51)

(3) Water issue is located in which Water Resource District (District)? Burleigh

(4) Legal Description	1/4	1/4	Section	Township	Range

(5) Approximate Construction Date

(6) Description of the issue natural waterway is blocked by unmanaged grass and silt.

(7) Is your property impacted? ■ Yes ☐ No If Yes, number of acres impacted 80 acres

Please explain Hay Creek Pines area has a high water table that is feed by ground water that flows in gravel vanes that are 3 to 4 feet from the surface. The obstructions in the natural waterway south of Hay Creek Pines development are blocking the natural flow of the water to the south. I believe this blockage has raised the ground water level and created hardship for the development. The water-soaked clay soils have drowned hundreds of trees and caused the roads and driveways to breakup.

Complaint Filed Against			Complaint Filed By		
Randall Bakke, Alton Nitschke			Noel Laxdal on behalf of Hay Creek Pines		
Name (print) Randall Bakke, Alton Nitschke			Name (print) Noel Laxdal		
Address 1850 Bonn, 2160 84th Avenue Ne			Address 9040 Oak Dr		
City Bismarck	State ND	ZIP Code	City Bismarck	State ND	ZIP Code 58503
Telephone number (if known)			Telephone number 701-471-7320		

By signing this form I certify (1) that this complaint is made in good faith and not to harass or annoy or for any other improper purpose and (2) that I have been provided a copy of N.D.C.C. § 61-32-07 and N.D.C.C. § 61-16.1-51. I understand that the Board may assess certain costs associated with this complaint under N.D.C.C. § 61-16.1-51 or N.D.C.C. § 61-32-07 if it finds the complaint to be frivolous.

Complainant's Signature: _____ Date 10-11-12

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY

DAM, DIKE, OR OTHER DEVICE COMPLAINTS (N.D.C.C. § 61-16.1-53):

The District will determine if a landowner or tenant constructed a dam, dike, or other device without first securing a construction permit as required under N.D.C.C. § 61-16.1-38, or in conflict with the terms or conditions of a construction permit. North Dakota Administrative Code § 89-08-01-01 defines "other device" as "a water control structure, other than a dam or dike, including diversions and holding ponds, lagoons, or dugouts."

DRAINAGE COMPLAINTS (N.D.C.C. § 61-32-07):

Surface Drainage: The District will determine if a landowner or tenant constructed any surface drainage that impacts a watershed area of 80 acres or more without first securing a drainage permit as required under N.D.C.C. § 61-32-03, or in conflict with the terms or conditions of a drainage permit.

Tile Drainage: The District will determine if a landowner or tenant constructed or installed a tile or subsurface drainage system with a footprint of 80 acres or more without first securing a tile or subsurface permit as required under N.D.C.C. § 61-32-03.1, or in conflict with the terms or conditions of a tile or subsurface permit.

OBSTRUCTION TO DRAIN COMPLAINTS (N.D.C.C. § 61-16.1-51):

The District will determine if a landowner or tenant has intentionally or negligently caused an obstruction to a natural watercourse or drain.

The District must act pursuant to the appropriate code listed above. The District shall investigate and make a determination within a reasonable amount of time (not to exceed 120 days for dams, dikes, other devices, or drains). The District shall notify all parties of its decision as required by code. If complained of activity was a dam, dike, other device, or drain, the District's decision may be appealed to the State Engineer within 30 days of the District's decision. If the complained of activity was an obstruction to drain, the District's decision may be appealed to District Court.

FOR DISTRICT USE ONLY

Date Received	Date Investigated	
Does the complainant have standing to file a complaint? ☐ Yes ☐ No		
If No, why?		
Does the project have a Permit? ☐ Yes ☐ No	If Yes, Permit Number	Date Granted
Does the project meet a permitting exemption? ☐ Yes ☐ No		
If Yes, which one?		
Project Construction Date	Revision Date (if any)	
District Action		
District Action Compliance Date	Project Owner Compliance Date	Decision Appeal Date
Subsequent Action		
Chairman's Signature	Date of Signature	

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY

SCHILD, JEFFREY J & MEGAN L
SAUER, CRAIG & LAURA
LARSON, JOHN A & PEGGY L
OAK DR
JOHNSON, FRANK & JOAN
BLACK, BRIAN & ALISON
GLASER, JOHN & ANGELA
NITSCHKE, ALTON A & ARLENE E

or order of the water resource board, if the cost of construction of such drains has been paid, be consolidated into one drain or drainage system and shall be renumbered and may be renamed.

61-16.1-51. Removal of obstructions to drain - Notice and hearing - Appeal - Injunction - Definition.

1. If a water resource board determines that an obstruction to a drain has been caused by the negligent act or omission of a landowner or tenant, the board shall notify the landowner by registered mail at the landowner's post-office address of record. A copy of the notice must also be sent to the tenant, if any. The notice must specify the nature and extent of the obstruction, the opinion of the board as to its cause, and must state that if the obstruction is not removed within such period as the board determines, but not less than fifteen days, the board shall procure removal of the obstruction and assess the cost of the removal, or the portion the board determines appropriate, against the property of the landowner responsible. The notice must also state that the affected landowner, within fifteen days of the date the notice is mailed, may demand, in writing, a hearing on the matter. Upon receipt of the demand, the board shall set a hearing date within fifteen days from the date the demand is received. In the event of an emergency, the board may immediately apply to the appropriate district court for an injunction prohibiting a landowner or tenant from maintaining an obstruction. Assessments levied under the provisions of this section must be collected in the same manner as other assessments authorized by this chapter. If, in the opinion of the board, more than one landowner or tenant has been responsible, the costs may be assessed on a pro rata basis in accordance with the proportionate responsibility of the landowners. A landowner aggrieved by action of the board under this section may appeal the decision of the board to the district court of the county in which the land is located in accordance with the procedure provided in section 28-34-01. A hearing as provided for in this section is not a prerequisite to an appeal. If a complaint is frivolous in the discretion of the board, the board may assess the costs of the frivolous complaint against the complainant. If the obstruction is located in a road ditch, the timing and method of removal must be approved by the appropriate road authority before the notice required by this section is given and appropriate construction site protection standards must be followed.
2. For the purposes of this section, "an obstruction to a drain" means a barrier to a watercourse, as defined by section 61-01-06, or an artificial drain, including if the watercourse or drain is located within a road ditch, which materially affects the free flow of waters in the watercourse or drain.
3. Following removal of an obstruction to a drain, either by a water resource board or by a party complying with an order of a water resource board, the board may assess its costs against the property of the responsible landowner.

61-16.1-52. Closing a noncomplying drain - Notice and hearing - Appeal - Injunction.
Repealed by S.L. 1987, ch. 642, § 13.

61-16.1-53. Removal of a noncomplying dike, dam, or other device - Notice and hearing - Appeal - Injunction.

1. Upon receipt of a complaint of unauthorized construction of a dike, dam, or other device for water conservation, flood control, regulation, watershed improvement, or storage of water, the water resource board shall promptly investigate and make a determination thereon. If the board determines that a dike, dam, or other device, capable of retaining, obstructing, or diverting more than fifty acre-feet [61674.08 cubic meters] of water or twenty-five acre-feet [30837.04 cubic meters] of water for a medium-hazard or high-hazard dam, has been established or constructed by a landowner or tenant contrary to this title or any rules adopted by the board, the board shall notify the landowner by certified mail at the landowner's post-office address of record. A copy of the notice must also be sent to the tenant, if any. The notice must

COMPLAINT FOR WATER-RELATED ISSUES

OFFICE OF THE STATE ENGINEER

SFN 60840 (11/2015)

Please submit to the water resource district in which the issue is located.
Contact information for water resource districts is available online at swc.nd.gov

GENERAL INFORMATION Ref: 2001 study by BCWRD (attached)

(1) This Complaint must include a map from an actual survey, aerial photo, or topographic map. The size of the map shall be at least 8½ by 11 inches and shall have a north arrow. If, in the opinion of the Water Resource District, the map does not contain enough information to properly evaluate the project, more information may be requested.

(2) The Complaint Is Regarding:

- ☐ Dam, Dike, Or Other Device (North Dakota Century Code (N.D.C.C.) § 61-16.1-53)
- ☐ Drainage (N.D.C.C. § 61-32-07)
- ☒ Obstruction To A Drain/Watercourse (N.D.C.C. § 61-16.1-51)

(3) Water issue is located in which Water Resource District (District)? Burleigh County

(4) Legal Description	1/4	1/4	Section	Township	Range
		NE	34	140N	80W

(5) Approximate Construction Date NA

(6) Description of the issue

Drainage in Hay Creek south of the Hay Creek Pines Subdivision is obstructed or "silted in" significantly causing the water table to rise within the subdivision. The High water table is impacting the road condition, killing trees and causing numerous sump pump operations.

(7) Is your property impacted? ☒ Yes ☐ No If Yes, number of acres impacted ≈ 80 Acres

Please explain

1. Asphalt road is breaking up
2. Trees have died and continue to die each spring
3. Significant frost heave of concrete slabs
4. Sump pump operates often.

Complaint Filed Against			Complaint Filed By		
Burleigh County			Gary Christenson		
Name (print)			Name (print)		
Address			Address 9200 Oak Drive		
City	State	ZIP Code	City Bismarck	State ND	ZIP Code 58503
Telephone Number (if known)			Telephone Number 701-400-8603		
Complainant's Signature			Date		

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY.

93

DAM, DIKE, OR OTHER DEVICE COMPLAINTS (N.D.C.C. § 61-16.1-53):

The District will determine if a landowner or tenant constructed a dam, dike, or other device without first securing a construction permit as required under N.D.C.C. § 61-16.1-38, or in conflict with the terms or conditions of a construction permit. North Dakota Administrative Code § 89-08-01-01 defines "other device" as "a water control structure, other than a dam or dike, including diversions and holding ponds, lagoons, or dugouts."

DRAINAGE COMPLAINTS (N.D.C.C. § 61-32-07):

Surface Drainage: The District will determine if a landowner or tenant constructed any surface drainage that impacts a watershed area of 80 acres or more without first securing a drainage permit as required under N.D.C.C. § 61-32-03, or in conflict with the terms or conditions of a drainage permit.

Tile Drainage: The District will determine if a landowner or tenant constructed or installed a tile or subsurface drainage system with a footprint of 80 acres or more without first securing a tile or subsurface permit as required under N.D.C.C. § 61-32-03.1, or in conflict with the terms or conditions of a tile or subsurface permit.

OBSTRUCTION TO DRAIN COMPLAINTS (N.D.C.C. § 61-16.1-51):

The District will determine if a landowner or tenant has intentionally or negligently caused an obstruction to a natural watercourse or drain.

The District must act pursuant to the appropriate code listed above. The District shall investigate and make a determination within a reasonable time (not to exceed 120 days for dams, dikes, other devices, or drains). The District shall notify all parties of its decision as required by code. If complained of activity was a dam, dike, other device, or drain, the District's decision may be appealed to the State Engineer within 30 days of the District's decision. If the complained of activity was an obstruction to drain, the District's decision may be appealed to District Court.

FOR DISTRICT USE ONLY

Date Received	Date Investigated	
Does the complainant have standing to file a complaint? ☐ Yes ☐ No		
If No, why?		
Does the project have a Permit? ☐ Yes ☐ No	If Yes, Permit Number	Date Granted
Does the project meet a permitting exemption? ☐ Yes ☐ No		
If Yes, which one?		
Project Construction Date	Revision Date (if any)	
District Action		
District Action Compliance Date	Project Owner Compliance Date	Decision Appeal Date
Subsequent Action		
District Chairman's Signature		Date Of Signature

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY.

94

BURLEIGH COUNTY WATER RESOURCE DISTRICT
MONTHLY MEETING MINUTES
DECEMBER 10, 2001

BOARD MEMBERS PRESENT: BUCK MAHER, BRUCE LANGE, KEN ROYSE, WAYNE MARTINESON, HARVEY MELSTAD

BOARD MEMBERS ABSENT: NONE

OTHERS PRESENT: MIKE GUNSCH, SWENSON & HAGEN; DAVID BLISS, BLISS LAW FIRM

The regular monthly meeting was called to order at 8 am by Chairman Ken Royse. The minutes of the November meeting were reviewed. Melstad moved, seconded by Maher to approve the minutes. Motion carried.

Basement Remodeling
Clyde Thompson indicated that the Tom Baker Room has been reserved for the January and February meetings while the basement is being remodeled.

Missouri River/Burnt Creek FEMA Flood Insurance Study
The preliminary map for public review has not been received. Melstad moved, seconded by Martineson that Mike Gunsch develop a letter to John Liou of FEMA requesting expediting the release of the Missouri River Flood Insurance Study for public review. Motion carried.

Engineering Services
Maher moved, seconded by Martineson that Royse contact Swenson & Hagen regarding retaining Houston Engineering for engineering services after December 31, 2001. Motion carried, all in favor. Maher moved, seconded by Melstad that Royse and David Bliss start the negotiation process with Houston Engineering if appropriate. Motion carried, all in favor.

Walsh Dam
Mike Gunsch presented the Hay Creek Pines Subdivision Preliminary Groundwater Assessment Martineson moved, seconded by Lange that Gunsch mail the report to all residents of the subdivision. Motion carried, all in favor. The following conclusions were included in the report.

It is very clear a problem with groundwater exists within this subdivision, however, the specific number of affected residents was not determined. Therefore, it would be advantageous to conduct a more detailed groundwater assessment and monitoring program to assess the need and potential value of installing a groundwater control and/or removal system for this area. It does not appear that the development of a rural residential subdivision in this location is the direct cause for the identified problems as some residences are unaffected. The present groundwater problems appear to be mor related to construction practices and the placement of basements into soils that are susceptible to fluctuating groundwater levels. These problems might have been avoided with additional planning and analysis of soils conditions prior to construction, however, this type of assessment rarely occurs. Under such a planning process basements in this area may have been restrict to four feet in depth versus the current eight feet in many residences.

Since the problems within this subdivision affect a number of county residents in our opinion the District may at their discretion continue evaluating these groundwater issues. Considering a detailed groundwater assessment might result in the creation of a special assessment district project the District has the option to request the landowners file a written petition requesting the project evaluation be completed. In addition should the District deem it appropriate the petitioners may be required to post a bond to finance the

evaluation costs. If a project is developed the District would then proceed with the required legal process to establish the special assessment district. The petitioners in turn would be credited for their contribution to the study costs on their special assessments, if the project is approved constructed. The issue that arises at this stage is the feasibility of a regional system and the willingness of the resident to pay for such a system. It is our understanding based on landowners comments they want something done. It appears the issue at hand is how to finance the study. This is a determination to be made by the District and no specific recommendation is made in the memorandum. The District may also with to consider mailing this report to the residents along with a questionnaire to determine the extent of the problem at each residence.

McDowell Dam
Total Maximum Daily Loading (TMDL) Study - A letter from the District dated December 1, 2001 was sent to the ND Health Department requesting funding consideration for a proposed TMDL Study for the McDowell Dam and Reservoir. The letter, also, requested Houston Engineering to proceed with the preparation of an estimated project budget to be ready for consideration by the parties in early January 2002. The District will provide a copy of an approved budget for final funding to the ND State Health Department once the necessary commitments have been secured.

A letter from Natural Resources Conservation Service (NRCS) regarding rehabilitation of watershed dams was reviewed. Information on the program is available on the web at www.nrcs.usda.gov under "Aging Watershed Infrastructure". Mike Gunsch indicated the low level drawdown process at McDowell Dam is currently manual. He feels modifications could be included as part of the NRCS Small Watershed Rehabilitation Project. Further discussion was deferred until the January meeting.

Burleigh County Zoning Ordinance
A list of issues from Burleigh County Planning regarding proposed changes to the Burleigh County Zoning Ordinance relating to Missouri River corridor overlay district proposed river setback requirements was reviewed. Melstad moved, seconded by Martineson that Mike Gunsch coordinate discussion of the proposed ordinance the next BOMMM meeting December 17. Motion carried, all in favor.

Burnt Creek Floodway
Melstad moved, seconded by Maher to authorize Martineson to contact NRCS regarding the possibility of burning cattails in the channel. Motion carried.

WET Program
Melstad moved, seconded by Maher to provide scholarships for teachers teaching in Burleigh County to attend WET workshops near Washburn this summer. Motion carried, all in favor.

Subdivisions

River of Hope Addition	1996 43rd Ave NE	Part SE1/4 Section 15-139-80
(Part of the subdivision was noted in the floodplain on the plat map)		
Sylvia's Addition	(Near Fraine Barracks)	SE1/4SE1/4 Sec 31-139-80

The board had no comments.

Board Appointment
Harvey Melstad was reappointed to the board by the county commission for a term of three years.

Burleigh County Water Resource District

City/County Office Building - 221 North 5th Street
Bismarck, North Dakota 58501

Ken Royse, Chairman, Bismarck 255-1110
Bruce Lange, Secretary, Baldwin 328-2759
Harvey Melstad, Bismarck 222-4579
Francis Maher, Menoken 673-3161
Wayne Martinetson, Bismarck 258-6451

December 18, 2001

FIELD(NAME)
FIELD(SUBDIVISION)
FIELD(LOT & BLOCK)
FIELD(ADDRESS)
FIELD(STREET, STATE, ZIP)

Re: Hay Creek Pines Subdivision and 26th Street NE
Preliminary Groundwater Assessment

DearFIELD(NAME):

In June 2001 a number of citizens living in or near the Hay Creek Pines Subdivision as well as some living along 26th Street Northeast attended the regular monthly meeting of the Burleigh County Water Resource District (District). Their purpose was to inform the District regarding groundwater problems occurring within the Hay Creek Pines Subdivision and along a tributary to Hay Creek which crosses 26th Street Northeast to the southeast of this subdivision. In response to their concerns and request for assistance, the District authorized the completion of a preliminary study to assess the groundwater problems in these two areas. They also agreed to provide this report to the residents upon its completion. Enclosed is a copy of the completed report.

The District requests that you review the findings and conclusions contained in this report. Should the residents feel a need to discuss this issue further they are asked to file a written request with the District. It is also suggested the residents identify a personal representative or contact person for the subdivision. Upon receiving this written request a meeting date will be scheduled. It is anticipated this would occur during the regularly scheduled board meeting. Considering the nature of this issue, if a meeting is requested, in order to adequately assess the number of residences involved, a formal questionnaire may be sent to the residents to obtain additional background information prior to the hearing. This will also notify them regarding the date and time of the meeting to discuss this subject.

At this point the District does not intend to take any additional action on this matter.

Sincerely,

Ken Royse, Chairman

c: Michael H. Gunsch, P.E.
Swenson, Hagen & Co.

8

SWENSON, HAGEN & CO. P.C.
PLANNING CIVIL ENGINEERING SURVEYING
SITE DESIGN CONSTRUCTION MANAGEMENT

Hay Creek Pines Subdivision & 26th Street NE

Preliminary Groundwater Assessment

The Burleigh County Water Resource District (District) requested Swenson, Hagen & Co. to review and evaluate citizen complaints regarding groundwater problems within the Hay Creek Pines Subdivision, located in the NE1/4 of Section 34 Township 140 North, Range 79 West, north of Bismarck, see **Figure One**. This preliminary groundwater assessment is intended to address and/or answer the following questions:

1. Determine the potential regulatory issues and authorities associated with the existing dam and reservoir located west of the subdivision.

2. Determine the finished floor elevation for each residence, estimate basement floor elevations and then compare them to current water levels in the reservoir and any other notable locations where groundwater elevations can be determined. In addition projected costs shall be provided for a detailed groundwater assessment and monitoring program to assess the need and potential value of a groundwater control and/or removal system for this subdivision. This task included obtaining the names and addresses for all current residences. This list will be used to contact the residents or to provide them with copies of any reports that are completed.

3. Evaluate the possible connection or correlation of groundwater levels between the subdivision and water levels visible in a tributary to Hay Creek located to the southwest along 26th Street NE.

Item #1 - Existing Dam and Reservoir

Our survey of the private dam established the potential storage volume within this reservoir above current water levels. According to North Dakota State Water Commission representatives the North Dakota Century Code has been interpreted to read that a dam or structure which retains less than 12.5 acre-feet at its first principal spillway or control elevation does not require a permit. Based on the site survey and an approximation of water depths within the reservoir it was determined this dam retains less than the 12.5 acre-foot criteria that would trigger permit requirements for modifications and/or improvements. Therefore, in our opinion the District does not have regulatory authority over the spillway elevation or modifications to this structure.

909 BASIN AVENUE P.O. BOX 1135 BISMARCK, NORTH DAKOTA 58502
(701) 223-2609 (701) 223 2606 FAX

Item #2 - Groundwater Conditions and Residence Elevations

The primary issue associated with groundwater levels in this subdivision are the soils that exist in this area. The Soil Survey of Burleigh County, North Dakota, published by the Soils Conservation Service in December 1974, indicates three soil types occur within this subdivision, see **Figure Two**.

The first soil is the Straw Series (Sv, 0 to 3% slopes) which is located along and under the Hay Creek channel and existing reservoir. These soils are deep, nearly level, well-drained soils on flood plains of small creeks. Permeability is moderate. *Table 6 Engineering Interpretations* in the soil survey contains the following heading and comment "*Degree and kind of limitations for, Dwellings with basements – Severe: subject to flooding*". While it does not appear that any residences have been constructed on these soils, the proximity of these residences to these soils raises questions related to the current groundwater issues.

The second and larger group of soils, the Lehr series (LeA, 1 to 9% slopes), are located under the western and southern portions of the subdivision. These soils are shallow, nearly level to sloping, somewhat excessively drained soils that are underlain by gravel or coarse sand. Permeability is moderately rapid to very rapid. *Table 6 Engineering Interpretations* in the soil survey contains the following heading and comment "*Degree and kind of limitations for, Dwellings with basements – Slight*". Most of the residences west of Forest Drive and along the south end of the subdivision have been constructed in these areas. Also *Table 5 - Estimates of soil properties* indicates the depth to the seasonal high water table is greater than five feet. While this is not a very specific elevation, considering the soils are a gravel and gravelly sand loam they are very susceptible to the movement and potential storage of groundwater. This appears to have occurred as the flooding of basements has become a serious concern. These soils also extend along the south side of the subdivision east toward the area along 26th Street NE as noted in **Item #3**. If these soils have become saturated via recent above normal precipitation the appearance of high groundwater level is not unusual.

The third soils type underlying the remaining portions of the subdivision to the east and north is Roseglen-Tansem (RwA). These soils are deep, silt loams, nearly level and well drained with moderate permeability. They are also classified as some of the best soils in the county for farming. Surface runoff is slow, fertility is medium to high and these soils are moderately susceptible to blowing. *Table 6 Engineering Interpretations* has a comment under the heading "*Degree and kind of limitations for, Dwellings with basements – Moderate potential for frost action*". Considering the permeability of these soils, the existence of higher groundwater levels associated with local infiltration is possible. Though under most circumstances the installation of a perimeter drain tile system around the residence is normally adequate to accommodate such conditions.

In order to obtain sufficient data to begin evaluating the possible effects of groundwater on the residential structures a survey was conducted to determine the finished floor elevations for each residence as well as elevations in road ditches and at culverts. This survey information is shown on **Figure Three**. A larger scale drawing is available for those interested in viewing specific elevations.

After reviewing the survey data it was determined that some basement floor elevations are at or below the current water surface elevation behind the dam and local groundwater levels. Since only two water surface elevations were available from the survey it is difficult to specifically determine the gradient and direction of flow, if any, for these groundwaters. Though based on the two identified points a gradient to the southeast appears likely. This is somewhat similar to the general topography in this area. A geotechnical evaluation of groundwater conditions is necessary to make a more definitive determination. Since these groundwaters could be influenced by runoff from the upstream watershed it should be noted that the drainage area to 94th Avenue NE is five square miles as shown on **Figure One**.

It is our understanding a number of residences within this subdivision have suffered damages from groundwater infiltration. Sumps pumps are or have been running on a fairly frequent basis, especially following heavy rains during the past few years. Due to the nature of these comments this is deemed to be a serious situation, especially considering the potential flood risks associated with power failures.

While the residents have voiced concerns and placed blame on the existing dam and reservoir for the high groundwater levels, this cannot be substantiated based on the information we obtained. Considering other information it is likely the water levels in the reservoir might represent a groundwater window rather than an infiltration source. The option or feasability to install a regional drain tile system to lower the groundwater levels within this subdivision was also raised. In order to determine the feasability and/or cost/benefit for such a system a detailed soil and groundwater study needs to be completed. This study would consist of the installation of six strategically placed monitoring wells within the subdivision and subsequent groundwater evaluation. This drilling, monitoring, testing, evaluation and report is estimated to cost approximately $6,000. This does not include engineering oversight, additional survey work to determine well elevations and coordination of the groundwater assessment as well as collect additional information from the residents. The estimated cost for these services is approximately $2,500 for a total cost of $8,500.

Item #3. North 26th Street - Hay Creek Tributary Groundwater Issues

Several landowners and residents to the east of the Hay Creek Pines Subdivision noted their concern regarding groundwaters appearing at the surface on a tributary to Hay Creek. This area is located to the southwest of the Hay Creek Pines Subdivision along 26th Street NE, see **Figure Two**. According to the Burleigh County Soil Survey this area is underlain by Grail silt loams (GlA, 0% to 3% slopes). These soils are deep, nearly level to gently sloping, well drained soils with moderately slow permeability and a high water bearing capacity. *Table 6 Engineering Interpretations* has a comment under the heading *"Degree and kind of limitations for, Dwellings with basements – Severe: high shrink-swell potential"*. Based on a site inspection it appears the surface waters in this area are directly related to groundwater conditions and may be partially retained by channel conditions downstream. While regrading the channel downstream might lower these groundwater levels to some degree, without identifying the source of these waters the potential net benefit is unknown. Based on the soils map and proximity of these soils to the Lehr Soils located to the northwest there is also the potential for a groundwater connection between these soils.

Considering there are a limited number of residences in this area, no additional groundwater assessment is recommended. It is recommended, however, that the landowners seek to determine the existing stream gradient downstream. Based on their findings they should consider regrading the channel to improve surface drainage along this tributary. According to our recent survey, the three 30" CMP's under 26th Street NE have invert elevations around 1850.6, while the two 50" RCP's at 71st Avenue NE have an upstream invert of around 1842.1 msl. This represents a stream gradient of 0.0016 ft/ft or 0.16 percent which is fairly flat but typical for this portion of the watershed. It is our thought that the lowering of groundwater elevations west of 26th Street NE by one-foot via channel improvements would benefit this area.

Conclusions

It is very clear a problem with groundwater exists within this subdivision, however, the specific number of affected residents was not determined. Therefore, it would be advantageous to conduct a more detailed groundwater assessment and monitoring program to assess the need and potential value of installing a groundwater control and/or removal system for this area. It does not appear that the development of a rural residential subdivision in this location is the direct cause for the identified problems as some residences are unaffected. The present groundwater problems appear to be more related to construction practices and the placement of basements into soils that are susceptible to fluctuating groundwater levels. These problems might have been avoided with additional planning and analysis of soils conditions prior to construction, however, this type of assessment rarely occurs. Under such a planning process basements in this area may have been restricted to four feet in depth versus the current eight feet in many residences.

Since the problems within this subdivision affect a number of county residents in our opinion the District may at their discretion continue evaluating these groundwater issues. Considering a detailed groundwater assessment might result in the creation of a special assessment district project the District has the option to request the landowners file a written petition requesting the project evaluation be completed. In addition, should the District deem it appropriate the petitioners may be required to post a bond to finance the evaluation costs. If a project is developed the District would then proceed with the required legal process to establish the special assessment district. The petitioners in turn would be credited for their contribution to the study costs on their special assessments, if the project is approved constructed. The issue that arises at this stage is the feasability of a regional system and the willingness of the residents to pay for such a system. It is our understanding based on landowners comments they want something done. It appears the issue at hand is how to finance the study. This is a determination to be made by the District and no specific recommendation is made in this memorandum. The District may also wish to consider mailing this report to the residents along with a questionnaire to determine the extent of the problem at each residence.

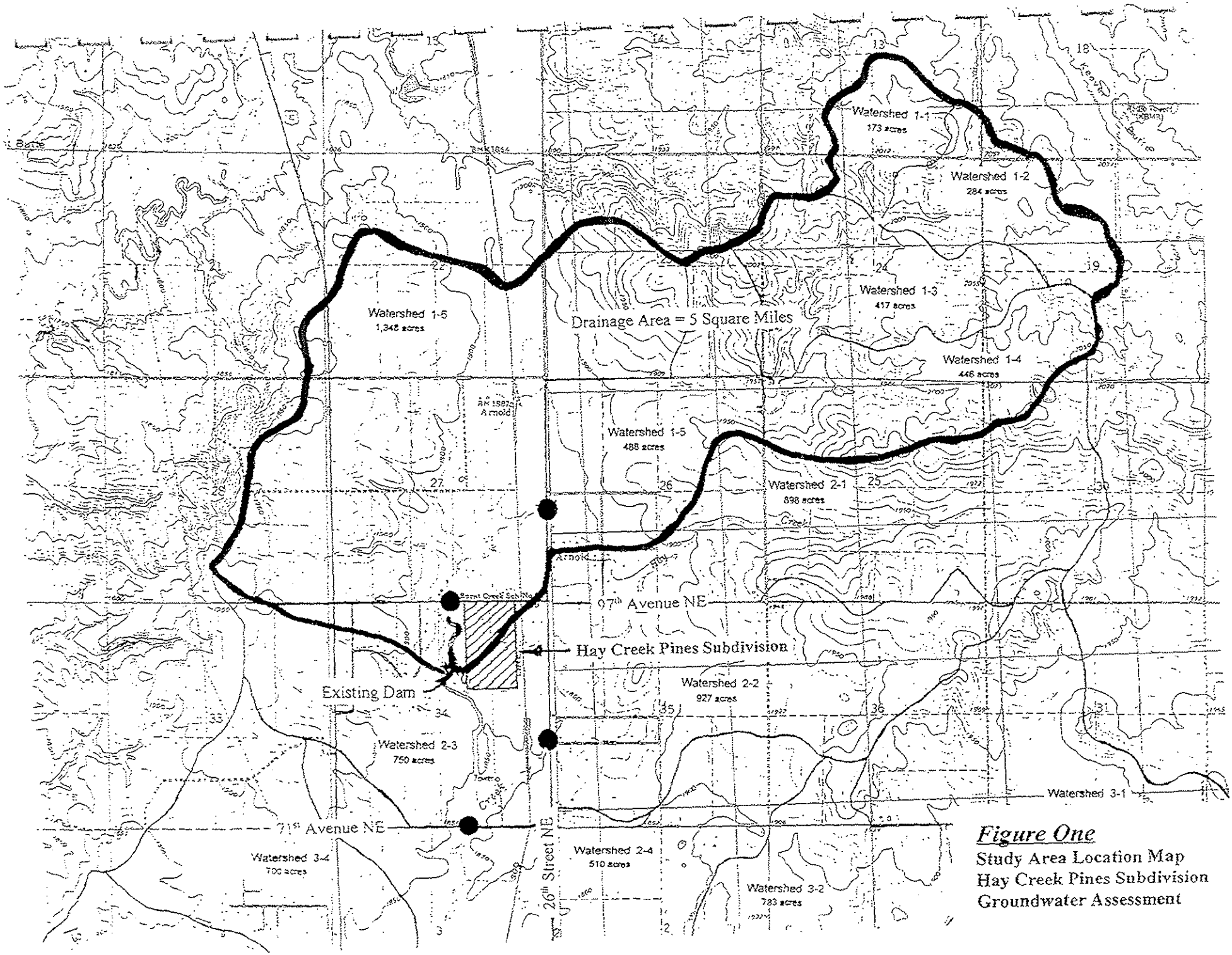


Figure One

Study Area Location Map
Hay Creek Pines Subdivision
Groundwater Assessment

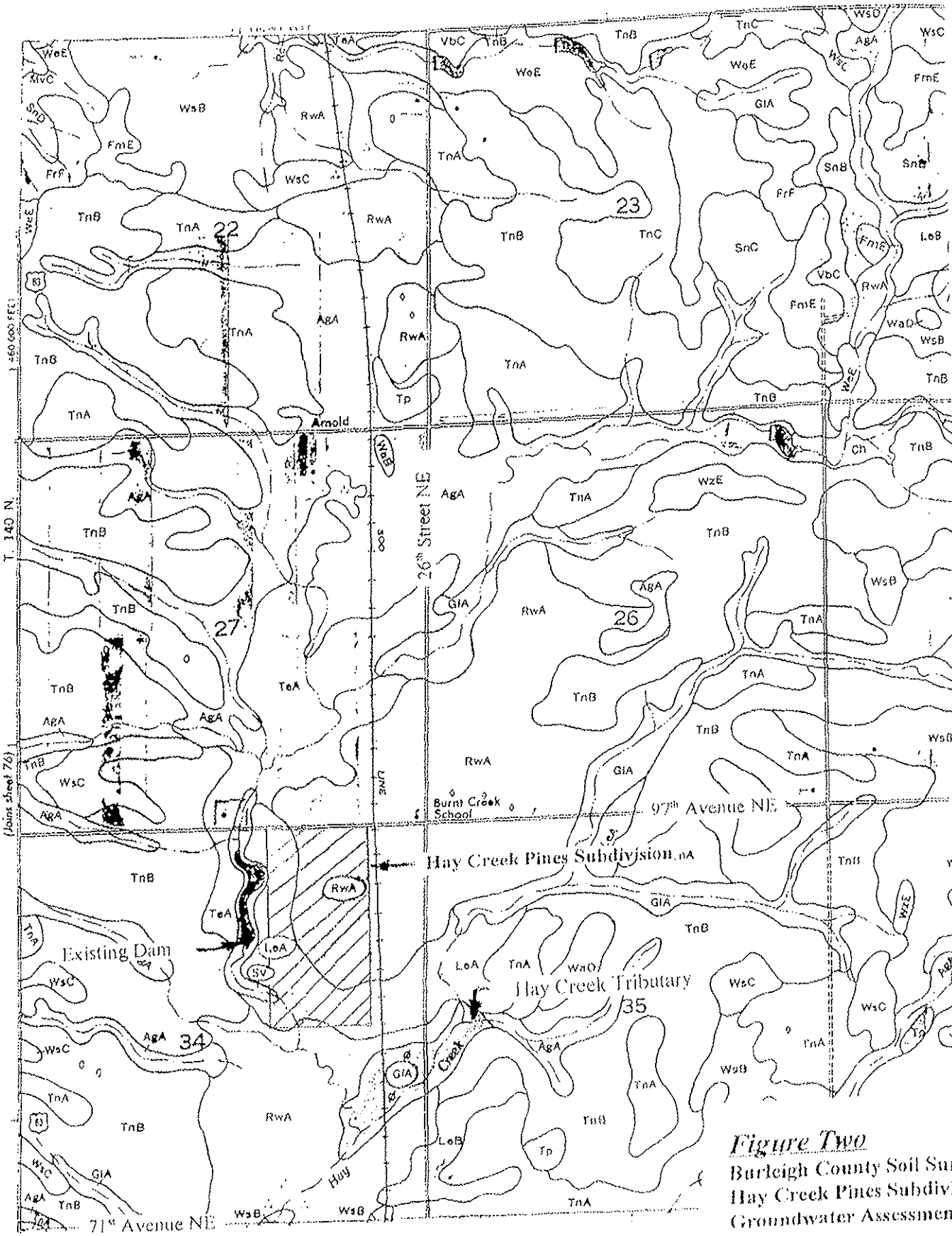


Figure Two
Burleigh County Soil Surv
Hay Creek Pines Subdivisi
Groundwater Assessment

97th Avenue NE
DRIVE
FOREST
OAK
Figure Three
2001 Site Survey Information
Hay Creek Pines Subdivision
Groundwater Assessment
SWENSON, HAGEN & CO. P.C.
PLANNING CIVIL ENGINEERING SURVEYING
SITE DESIGN CONSTRUCTION MANAGEMENT
PROJECT
HAY CREEK PINES
GROUNDWATER ASSESSMENT
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA
REVISIONS
SCALE: 1"=200'
DATE: 11/12/01

COMPLAINT FOR WATER-RELATED ISSUES

Burleigh County Water Resource District
1811 East Thayer Avenue
Bismarck, ND 58501
Phone: 701.222.3499
www.bcwrd.org

GENERAL INFORMATION

(1) This Complaint must include a map from an actual survey, aerial photo, or topographic map. The size of the map shall be at least 8½ by 11 inches and shall have a north arrow. If, in the opinion of the Water Resource District, the map does not contain enough information to properly evaluate the project, more information may be requested.

(2) The Complaint Is Regarding:

- ☐ Dam, Dike, Or Other Device (North Dakota Century Code (N.D.C.C.) § 61-16.1-53)
- ☐ Drainage (N.D.C.C. § 61-32-07)
- ☒ Obstruction To A Drain/Watercourse (N.D.C.C. § 61-16.1-51)

(3) Water issue is located in which Water Resource District (District)? Burleigh County WRD

(4) Legal Description	NW ? 1/4	SE 1/4	Section 34	Township 140 N	Range 80 W

Burnt Creek Township

(5) Approximate Construction Date N/A

(6) Description of the issue

A berm just south of the subdivision (Hay Creek Pines) appears to be blocking the natural waterflow,

(7) Is your property impacted? ☒ Yes ☐ No If Yes, number of acres impacted < 1

Please explain

Proper drainage of Hay Creek is not occurring on my property after spring melt or heavier rain events due to the blockage. This leads to a large area of mushy ground and water not evacuating properly on my property and the lot directly south of me.

Complaint Filed Against			Complaint Filed By		
Name (print) Randall Bakke			Name (print) Jeffrey Schild		
Address 1850 Bonn Blvd			Address 9130 Forest Dr		
City Bismarck	State ND	ZIP Code 58504	City Bismarck	State ND	ZIP Code 58503
Telephone number (if known)			Telephone number		

By signing this form I certify (1) that this complaint is made in good faith and not to harass or annoy or for any other improper purpose and (2) that I have been provided a copy of N.D.C.C. § 61-32-07 and N.D.C.C. § 61-16.1-51. I understand that the Board may assess certain costs associated with this complaint under N.D.C.C. § 61-16.1-51 or N.D.C.C. § 61-32-07 if it finds the complaint to be frivolous.

Complainant's Signature: [signature]

Date 11/8/17

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY

05

DAM, DIKE, OR OTHER DEVICE COMPLAINTS (N.D.C.C. § 61-16.1-53):

The District will determine if a landowner or tenant constructed a dam, dike, or other device without first securing a construction permit as required under N.D.C.C. § 61-16.1-38, or in conflict with the terms or conditions of a construction permit. North Dakota Administrative Code § 89-08-01-01 defines "other device" as "a water control structure, other than a dam or dike, including diversions and holding ponds, lagoons, or dugouts."

DRAINAGE COMPLAINTS (N.D.C.C. § 61-32-07):

Surface Drainage: The District will determine if a landowner or tenant constructed any surface drainage that impacts a watershed area of 80 acres or more without first securing a drainage permit as required under N.D.C.C. § 61-32-03, or in conflict with the terms or conditions of a drainage permit.

Tile Drainage: The District will determine if a landowner or tenant constructed or installed a tile or subsurface drainage system with a footprint of 80 acres or more without first securing a tile or subsurface permit as required under N.D.C.C. § 61-32-03.1, or in conflict with the terms or conditions of a tile or subsurface permit.

OBSTRUCTION TO DRAIN COMPLAINTS (N.D.C.C. § 61-16.1-51):

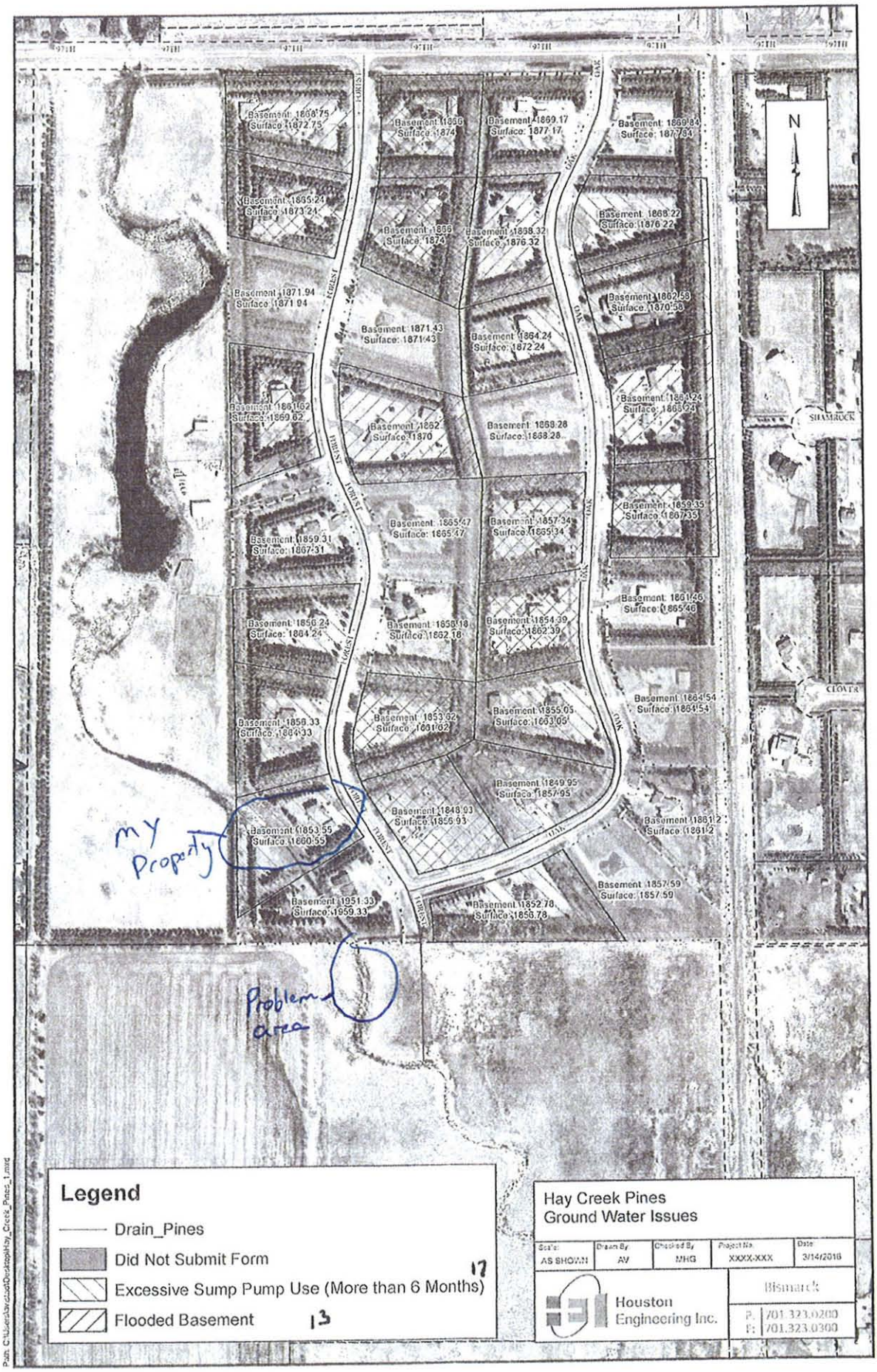
The District will determine if a landowner or tenant has intentionally or negligently caused an obstruction to a natural watercourse or drain.

The District must act pursuant to the appropriate code listed above. The District shall investigate and make a determination within a reasonable amount of time (not to exceed 120 days for dams, dikes, other devices, or drains). The District shall notify all parties of its decision as required by code. If complained of activity was a dam, dike, other device, or drain, the District's decision may be appealed to the State Engineer within 30 days of the District's decision. If the complained of activity was an obstruction to drain, the District's decision may be appealed to District Court.

FOR DISTRICT USE ONLY

Date Received	Date Investigated	
Does the complainant have standing to file a complaint? ☐ Yes ☐ No		
If No, why?		
Does the project have a Permit? ☐ Yes ☐ No	If Yes, Permit Number	Date Granted
Does the project meet a permitting exemption? ☐ Yes ☐ No		
If Yes, which one?		
Project Construction Date	Revision Date (if any)	
District Action		
District Action Compliance Date	Project Owner Compliance Date	Decision Appeal Date
Subsequent Action		
Chairman's Signature	Date of Signature	

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY


Basement: 1868.75
Surface: 1872.75
Basement: 1865.24
Surface: 1873.24
Basement: 1871.94
Surface: 1871.94
Basement: 1869.62
Surface: 1869.62
Basement: 1859.31
Surface: 1867.31
Basement: 1856.24
Surface: 1864.24
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Basement: 1868.32
Surface: 1876.32
Basement: 1871.43
Surface: 1871.43
Basement: 1862
Surface: 1870
Basement: 1864.24
Surface: 1872.24
Basement: 1868.28
Surface: 1868.28
Basement: 1865.47
Surface: 1865.47
Basement: 1858.18
Surface: 1862.18
Basement: 1853.92
Surface: 1861.92
Basement: 1848.93
Surface: 1856.93
Basement: 1852.78
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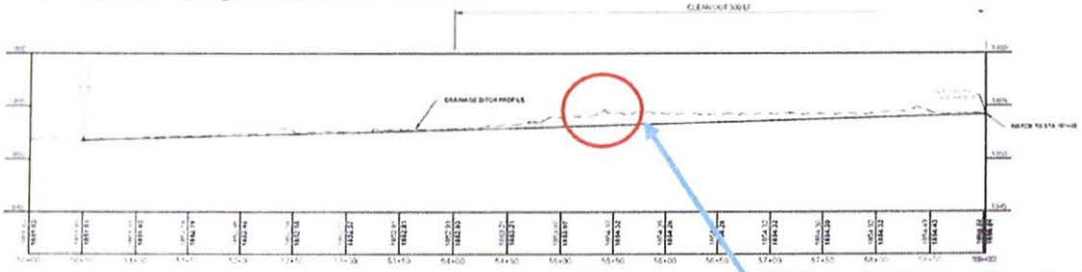
Basement: 1857.34
Surface: 1865.34
Basement: 1854.39
Surface: 1862.39
Basement: 1855.05
Surface: 1863.05
Basement: 1849.95
Surface: 1857.95
Basement: 1868.22
Surface: 1876.22
Basement: 1862.58
Surface: 1870.58
Basement: 1864.24
Surface: 1865.24
Basement: 1859.35
Surface: 1867.35
Basement: 1861.46
Surface: 1865.46
Basement: 1864.54
Surface: 1864.54
Basement: 1861.2
Surface: 1861.2
Basement: 1857.59
Surface: 1857.59
Basement: 1869.84
Surface: 1877.84
FOREST
OAK
TERRACE
BISMARCK
CLOVER
N
my Property
Problem area
Legend
Drain_Pines
Did Not Submit Form
Excessive Sump Pump Use (More than 6 Months)
Flooded Basement
17
13
Hay Creek Pines
Ground Water Issues
Scale: AS SHOWN
Drawn By: AV
Checked By: MHG
Project No.: XXXX-XXX
Date: 3/14/2016
Houston Engineering Inc.
Bismarck
P: 701.323.0200
F: 701.323.0300
Path: C:\Users\avaud\Desktop\Hay_Creek_Pines_1.mxd

97

North →

Surface Water Drainage

Include regrading in overall project, however it will not resolve the groundwater issues.



Houston Engineering Inc.	Drawn By: AV	Date: 9-15-16	HAY CREEK PINES BURLEIGH COUNTY BURLEIGH COUNTY, NORTH DAKOTA	DRAINAGE DITCH PROFILE	SHEET
	Checked By: MHG	Scale: AS SHOWN		PROJECT NO 6025-018	1 of 1

98

from The Hay Creek Pines Groundwater Removal Project Technical findings
Date! Aug 4, 2017

- The private access roadway contains 4-18" CMP's, which are too small to convey the projected flows from the upstream watershed. Subsequently, this access is routinely overtopped during spring runoff and heavy rainfalls. This overtopping and culvert flows may have created sediment accumulation downstream, which is undetermined due to the height of the existing vegetative overgrowth. This vegetation would create a local obstruction that retains water in the culverts and upstream as well as impacting flows.

- The landowner noted an area on the north and east side of the private access where drainage was poor and flooding of areas occurred in a low area. This could be resolved with channelization along the roadway, which is outside of the natural watercourse. Elevations at the top of the private access indicate that overflows would need to occur before backwaters would extend out into the low areas that flood. The project releases would not create measurable increases in water surface elevations, therefore no impacts will occur.

- The area east of the private access is experiencing issues associated with the overgrowth of vegetation due to wet conditions and groundwater flows from upstream, including the watershed to the east of 26th Avenue and north to the project outfall.

- The natural watercourse north to the project outfall appears is affected by overgrowth in vegetation, however it appears common throughout this area any in other similar watercourses in the area.

- The natural watercourse just south of the Hay Creek Pines subdivision has a large berm to the east side, which appears to have been placed to create some level of previous water storage. This berm appears to have been breached either by flows or by landowner action, and no longer retains water. The issue of this berm being an obstruction to the natural flows and backing waters into the southern end of the subdivision has not been determined.

✓ Lowering groundwater levels will expand the distance between base of the septic systems and groundwater, subsequently decreasing the potential risk for direct connection transfer. It was noted that some septic systems in this subdivision have been converted from standard installations to mound systems due to groundwater issues.

✓ Lowering groundwater levels will improve the capacity of the soils to accept runoff via the infiltration of rainfall and snowmelt. This reduction in runoff is projected to be in the range of 10% to 20%, which could significantly reduce stream flows from the subdivision. As a point of reference this level of reduction could reduce discharges from this subdivision on a 2-year (AMC-II) rainfall event by 0.24 to 0.48 ac-ft. While precipitation would now infiltrate, additional losses would then occur due to evaporation and groundwater movement into the sands below the drain tile system, therefore this represents a net reduction in downstream flows.

✓ The influence of rural water on groundwaters was raised. While this has decreased the use of wells for domestic use, which we understand were limited to a few residences, the groundwater impacts are small compared to other factors. As an example, groundwater in the spring of 2017 increased from 2.5 to 3.0 feet due to snowmelt infiltration. This dramatic increase is not possible based on rural water and septic infiltration alone. These influences were included in the groundwater model calibration.

99

BLISS LAW FIRM, LLC

PO Box 4126 | 400 E Broadway, Suite 308
Bismarck, North Dakota 58502
701-223-5769 | www.blisslaw.com

David R. Bliss
Attorney at Law
Licensed in ND & SD
dbliss@blisslaw.com
701-471-3972 (cell)

Catherine Bliss
Certified Legal Assistant
cbliss@blisslaw.com
701-226-0716 (cell)

December 28, 2017

Water Resource Board
Burleigh County Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

Arntson Stewart Wegner PC
3801 Lockport Street, Suite 2
Bismarck, ND 58503

Re: $395,000 Refunding Improvement Bonds, Series 2017
(Missouri River Correctional Center Flood Control Project)

I have acted as counsel to Burleigh County Water Resource District, Burleigh County, North Dakota (the "**Issuer**"), in connection with the issuance on this date by the Issuer of the above-captioned bond (the "**Bond**"), issued pursuant to the Resolution Creating the Fund and the Resolution Authorizing Issuance adopted by the Issuer on October 11, 2017 (together, the "**Resolution**"), and in such capacity we have examined the proceedings of the Issuer authorizing the issuance and delivery of the Warrant (as defined in the Resolution), and the Bond, and specifically the following:

(i) the Resolution;

(ii) the Closing Certificate of the Issuer dated November 7, 2017 (the "**Closing Certificate**");

(iii) the Warrant; and

(iv) the Bond.

The items above are collectively referred to herein as the "**Bond Documents**."

Based upon the foregoing and upon such other information and documents, as we believe necessary to enable us to render this opinion, we are of the opinion that:

1. The Issuer is a North Dakota political subdivision properly created and having full power and authority to execute and deliver the Warrant and Bond and to execute, deliver, carry out and consummate all transactions contemplated by the Bond Documents.

10

2. The proceedings of the Issuer taken in connection with the authorization and issuance of the Warrant and Bond were taken at a regular or properly noticed special meeting of the governing body of the Issuer with a quorum present at all times.

3. No additional or further approval, permit, certificate, license, consent or authorization of any body or law is required in connection with its participation in the transactions contemplated by the Bond Documents. The project contemplated by the Bond Documents meets all statutory requirements, including the provisions of North Dakota Century Code Chapter 61-16.1.

4. The Bond Documents have been duly authorized, executed and delivered by the Issuer or their terms and conditions have been accepted by the Issuer. Assuming due authorization, execution, and delivery by any other parties thereto, these documents constitute valid and binding obligations of the Issuer according to their terms, except to the extent to which enforceability may be limited by state and federal laws, rulings and decisions affecting remedies, and by bankruptcy, reorganization or moratorium.

5. The execution, delivery and performance by the Issuer with respect to any of the Bond Documents will not violate any provisions of North Dakota law or any applicable judgment, order or regulation of any court or of any public governmental agency or authority of the State of North Dakota and will not conflict with or result in any breach of any of the provisions of or constitute a default under any agreement or instrument to which the Issuer is a party or by which it is bound.

6. We know of no litigation, or other legal or governmental proceedings, pending or threatened, or any basis therefore, wherein an unfavorable decision, ruling or finding would have a material adverse effect on the validity or security of the Bond Documents or the transactions contemplated thereby.

7. There are no legal or governmental proceedings threatened or pending to which the Issuer is a party or wherein any unfavorable result will materially affect any transactions contemplated by any loan or grant agreement or any bond to be delivered, and the Issuer has followed all applicable statutory requirements, and the planned construction of the improvements meet all applicable zoning laws and ordinances for the Issuer, Burleigh County and all statutes and laws for the State of North Dakota.

Very truly yours,

DAVID R. BLISS
DRB:vel

S:\Burleigh County Water Resource 22-229\MRCC\Correspondence\Issuer's Counsel Opinion.doc

Mona Livdahl

From: Michael Gunsch <mgunsch@houstoneng.com>
Sent: Friday, December 22, 2017 10:05 AM
To: 'rolnon@bis.midco.net'
Cc: 'Mike Eggl'; 'Greg Larson'; 'James Landenberger'; 'Mona Livdahl , Secretary'
Subject: Fox Island Public Informational Meeting
Attachments: Fox Island Meeting Public Informational Meeting 1-8-2018.pdf

Don:

Attached is the notice for the Fox Island Public Information meeting.
Please share with your Homeowners Association.

Though, a post card is being sent as well this will provide dual notice to your members.

Thanks, Merry Christmas!!

Michael Gunsch
Principal / Project Manager
Houston Engineering, Inc.
3712 Lockport St, Bismarck, ND 58503
O 701.323.0200 | **F** 701.323.0300
www.houstoneng.com

This entire message (including all forwards and replies) and any attachments are for the sole use of the intended recipient(s) and may contain proprietary, confidential, trade secret, work-product, attorney-client or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited and may be a violation of law. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message

Fox Island Public Information Meeting

The Burleigh County Water Resource District will be holding a Public Information Meeting regarding the Fox Island Flood Control Project on January 8, 2018 at 5:30 p.m.

Meeting location will be:

Cornerstone Community Church
111 E. Wachter Avenue
Bismarck, ND 58504

Please contact Greg Larson, BCWRD Chairman (701-400-7217) or Michael Gunsch at Houston Engineering, Inc. (701-323-0200) if you have questions prior to the meeting.

TRAGEDY RELIEF AND RESTORATION

Hyder Project

The plans and specifications are:

* Match the rip rap up to the existing stone to the North and South.

* Create and compact approximately a 3.5' to 1' slope that blends naturally to the joining property.

* Excavate a key at the bottom of the slope so that the rocks won't slide into the river.

* Use an extra thick 17 ounce geotextile fabric to cover the entire slope.

* Place stone approximately 2 foot in thickness using the zero drop method.

* No more than 145 cubic yards of stone will be used here.

* There is an area of 145 feet by 13 feet to be covered with 2 feet of approved stone.

* Fabric will be toed and staked at the top of the slope.

* 15 inch carbon stakes will be used to help hold the fabric inside of the top toe.

* Trench for the toe will be approximately 1 foot deep.

* Fabric will form a "J" hook at the bottom of the slope to properly key into the river bank and hold the stone securely.

* Stay within the specifications and guidelines of the Ordinary High Water Mark.

BURLEIGH COUNTY
BUILDING/PLANNING /ZONING
DEPARTMENT

December 6, 2017

408 Review Hyder Rip Rap Project
9010 Island Rd.
Bismarck ND 58504

The above referenced project as applied for, has made Burleigh County aware that "ordinary maintenance" is needed on the existing corps structure. The property owner will be performing this maintenance in order to match up to the existing rip rap "without removing or disturbing" any stone on the corps structure.

Burleigh County Building/Planning/Zoning Department has no objections to the Hyder Rip Rap Project also identified as Project #S-2089.

Sincerely

Ray Ziegler
Building Official/Director
Burleigh Co. Building/Planning/Zoning Dept.

221 N 5TH ST. PO Box 5518 Bismarck, ND 58506-5518
Phone 701-221-3727 Fax 701-221-3726 www.burleighco.com

105

BURLEIGH COUNTY
BUILDING/PLANNING /ZONING
DEPARTMENT

October 4, 2017

Hyder Project #S-2089
9010 Island Rd.
Bismarck ND 58504

The above referenced project as applied for, will be located under the jurisdiction of the U.S. Army Corps of Engineers as defined in 33CFR Section 329.11 since the work being performed is at or lower than the ordinary high watermark.
Access to the affected area will be through the applicant's private property.

Burleigh County Building/Planning/Zoning Department has no objections to Project #S-2089 and no permits will be required.

Sincerely

Ray Ziegler
Building Official/Director
Burleigh Co. Building/Planning/Zoning Dept.

221 N 5TH ST. PO Box 5518 Bismarck, ND 58506-5518
Phone 701-221-3727 Fax 701-221-3726 www.burleighco.com

BURLEIGH COUNTY
BUILDING/PLANNING /ZONING
DEPARTMENT

October 4, 2017

Hyder Project #S-2089
9010 Island Rd.
Bismarck ND 58504

The above referenced project as applied for, will be located under the jurisdiction of the U.S. Army Corps of Engineers since the work being performed is at or lower than the ordinary high watermark. Access to the affected area will be through the applicant's private property.

Burleigh County Building/Planning/Zoning Department has no objections to Project #S-2089.

Sincerely

Ray Ziegler
Building Official/Director
Burleigh Co. Building/Planning/Zoning Dept.

221 N 5TH ST. PO Box 5518 Bismarck, ND 58506-5518
Phone 701-221-3727 Fax 701-221-3726 www.burleighco.com

107

bcwrd@midco.net

From: Ashley Falk <atoztragedyrnr@gmail.com>
Sent: Tuesday, December 12, 2017 10:06 AM
To: bcwrd@midco.net
Subject: Re: Hyder Rip Rap Resubmittal Sec 408 Determination.pdf
Attachments: IMG951792.jpg

Here is the sovereigns land permit from the state Water Commission.
What time and where is the meeting taking place tomorrow I would like to attend the meeting to discuss any questions about the project that the Burleigh County Water Resource District may have we need to move forward with this project immediately.
Brett Falk

Letter from the Corp of Engineers clearing the plans and specifications on the "Hyder Project" for the 408 review.
Brett Falk
701 220 7269

State of North Dakota
Office of the State Engineer

Regulatory Division
900 EAST BOULEVARD AVE. • BISMARCK, ND 58505-0850
Regulatory Division (701) 328-2752 • FAX (701) 328-3696 • http://swc.nd.gov

December 5, 2017

Mr. Shiraz Hyder
6700 University Drive
Bismarck, ND 58504

RE: Application S-2089: To stabilize a section of the left bank of the Missouri River (Project) in Burleigh County.

Dear Mr. Hyder:

Enclosed is your sovereign land authorization to stabilize a section of the left bank of the Missouri River (Project) in Burleigh County.

The Project will involve the excavation of a toe trench, reshaping the bank to a 3.5:1 slope, placement of approximately 200 square yards of geotextile fabric, and the installation of 145 cubic yards of rock riprap on approximately 145 linear feet of riprap on the left bank of the Missouri River. A floating silt curtain will be used during construction and attached to the shore and an existing jetty structure.

The Project will be located in the NE ¼ of Section 33, Township 140 North, Range 81 West, Burleigh County.

Also enclosed are copies of all the Solicitation of Views responses we received from other agencies on your project and a copy of NDDH "Construction and Environmental Disturbance Requirements". If you have any questions or if I can be of further assistance, please contact me at (701) 328-4988.

Sincerely,

Ashley C. Persinger

Ashley C. Persinger
Sovereign Land Specialist

Enclosures: Sovereign Lands Permit, NDDH "Construction and Environmental Disturbance Requirements", Solicitation of Views Responses

Cc: Mr. Brett Faulk, A to Z Tragedy Relief and Restoration, Inc.

GARLAND ERBELE, P.E.
SECRETARY AND STATE ENGINEER

bcwrd@midco.net

From: Ashley Falk <atoztragedyrnr@gmail.com>
Sent: Tuesday, December 12, 2017 9:52 AM
To: bcwrd@midco.net
Subject: Hyder Rip Rap Resubmittal Sec 408 Determination.pdf
Attachments: Hyder Rip Rap Resubmittal Sec 408 Determination.pdf

Letter from the Corp of Engineers clearing the plans and specifications on the "Hyder Project" for the 408 review.
Brett Falk
701 220 7269

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA NE 68102-4901

REPLY TO
ATTENTION OF

Brett Falk
AtoZ Tragedy Relief and Restoration Inc.
514 1st Ave.
Steel, ND 58482

Dear Mr. Falk:

The US Army Corps of Engineers, Omaha District is in receipt of your revised proposal for the Rip Rap project on the Hyder property. Our preliminary determination for Section 408 indicates that a full review is not required with respect to the adjacent federally constructed bank stabilization structure, the hardpoint at river mile 1322.3. Specifically, your application describes the installation of a new structure downstream of the federally constructed structure. You also state that ordinary maintenance will be performed to match up existing riprap without removing or disturbing any stone on the federally constructed structure. The new structure will not impair the performance of the federal project. The submittal is signed by Burleigh County, who is the local sponsor of the Sec 32 project, and states their concurrence with the project. This proposed project appears to fall outside requirements of the Section 408 program.

If you have any further questions please feel free to contact Brent Cossette, Omaha District Section 408 Coordinator at brent.j.cossette@usace.army.mil or by phone at (402) 995-2712.

Sincerely,

Brent J. Cossette
Section 408 Coordinator, Omaha District

Printed on Recycled Paper

bcwrd@midco.net

From: Ashley Falk <atoztragedyrnr@gmail.com>
Sent: Wednesday, December 13, 2017 9:10 AM
To: bcwrd@midco.net
Subject: Hyder project pictures of erosion Hyder Rip Rap
Attachments: 0808171718c.jpg; 0808171717a.jpg; 0808171719.jpg

This is images of the river bank in the early fall. We need to take action on this immediately. The property continues to fall into the river. It is crucial we starting this project immediately.
Brett Falk
---------- Forwarded message ----------
From: "Ashley Falk" <atoztragedyrnr@gmail.com>
Date: Dec 4, 2017 1:35 PM
Subject: Hyder project pictures of erosion 408 discussion, Hyder Rip Rap (UNCLASSIFIED)
To: "Weber, Christopher R CIV USARMY CENWO (US)" <Christopher.R.Weber@usace.army.mil>
Cc:

Hey Chris

Can you forward these pictures too the appropriate parties.

Brett Falk

emailed 1-10-18

State of North Dakota
Office of the State Engineer

900 EAST BOULEVARD AVE. • BISMARCK, ND 58505-0850
701-328-2750 • FAX 701-328-3696 • http://swc.nd.gov

January 4, 2018

SOLICITATION OF VIEWS

RE: APPLICATIONS TO THE STATE ENGINEER FOR AUTHORIZATION TO CONSTRUCT A PROJECT WITHIN ISLANDS AND BEDS OF NAVIGABLE STREAMS OR WATERS OF THE STATE OF NORTH DAKOTA.

Mr. Jorge Pagan, Bismarck, North Dakota, Applicant, Application No. **S-1646**

Mr. Jorge Pagan, Bismarck, North Dakota, has filed an application with the State Engineer to seek authorization for an existing boat dock (Project) on the Missouri River in Burleigh County.

The Project would involve the installation of a floating aluminum boat dock which would be secured to the river bank with cable and anchors. A water intake pump and waterline would be installed on the proposed dock to provide private property irrigation for the landowner. The dock has a 20-foot gangplank connecting to a 48-foot floating dock. The dock would be anchored above the ordinary high water mark of the Missouri River and removed each fall. The Project is expected to be installed in summer of 2018.

The Project would be located in the E ½ of Section 33, Township 140 North, Range 81 West, Burleigh County.

Projects which lie either partially or wholly below the ordinary high watermark of navigable streams or waters may require authorization from the State Engineer prior to construction or operation. At the discretion of the State Engineer, a public meeting may be held on the project for the purpose of gathering information. The State Engineer will consider riparian owner's rights, recreation, navigation, aesthetics, erosion, wildlife, water quality, maintenance of existing water flows, alternative uses, and the environment in determining whether to grant the authorization.

To ensure that all environmental, economic and social l factors are considered in the evaluation of this application, your views and comments are solicited. It is requested that any comments or information be forwarded within **30** days of the date of this mailing to the State Engineer, at 900 East Boulevard Avenue, Bismarck, North Dakota. If no reply is received within the **30** days, it will be assumed that your agency has no comment on this Project.

GARLAND ERBELE, P.E.
STATE ENGINEER

116

Sincerely,

Ashley C. Persinger

Ashley C. Persinger
Sovereign Land Specialist

Enclosures: Sovereign Lands Application
Specifications
Map

Copies to: Mike Humann, North Dakota Department of Trust Lands
Jesse Hanson, North Dakota Parks and Recreation Department
Greg Link, North Dakota Game and Fish Department
Peter Wax, North Dakota Department of Health
U.S. Fish and Wildlife Service, Bismarck
State Historical Society of North Dakota
Burleigh County Water Resource District
U.S. Army Corps Engineers, Bismarck

Soveriegn Lands Permit Application No. S-1646
Jorge L. Pagan

E 1/2 of Section 33, T140N, R81W, Burleigh County

Boat Dock

Date: 1/2/2018
Prepared by: CWN

APPLICATION FOR AUTHORIZATION TO CONSTRUCT A PROJECT WITHIN ISLANDS AND BEDS OF NAVIGABLE STREAMS AND WATERS

Office of the State Engineer
900 East Boulevard
Bismarck, ND 58505-0850

Permit No **S-1646**

Project No. 1625

RECEIVED
DEC - 8 2017

I, the undersigned, do hereby submit the following information to the Office of the State Engineer as an application to construct a project that may impact islands and beds of navigable streams and waters of North Dakota under NDCC Chapter 61-33.

GENERAL INFORMATION:

This Application must include a map from an actual survey, aerial photo or topographic map and plot map (if a development) The size of the map shall be 8½ by 11 inches. The map shall have a north arrow and approximate scale. Indicate the existing or proposed work on the drawing. Plans and specifications must be submitted if project includes construction work

(1) Project will be located in the: Burleigh County Water Resource District

(2) Legal description to the nearest 40 acre tract: ____ ¼ E ½ Section 33 Township 140N Range 81W

(3) Is this application for modification of an existing project ☐Yes ☒No If so, what year was project constructed: ____

By whom ____

(4) Proposed project involves ☐ water crossing, type ____ ☒ boat dock, ☐ boat ramp, ☒ water intake,

☐dredge, volume ____ cu. yds. ☐ filling, volume ____ cu. yds. , type ____,

☐other (explain) ____

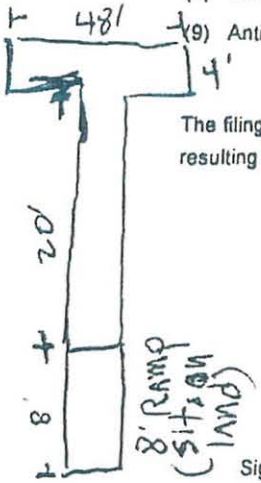
(5) Water body on which project will be located: Missouri

(6) Purpose: Dock permit - Installed structure and water intake

(7) Project Description: Dock permit (see sketch - not to scale)
It is a steel dock. Zachmeir Floating Dock on wheels. Dock will be anchored with cables and stored each fall above the OHWM.

(8) Contractor, if known N/A

(9) Anticipated construction start date: N/A Completion date: N/A



The filing of this application and its approval in no way relieves the applicant or riparian landowner from any responsibility or liability resulting from the construction, operation or failure of the project.

Riparian Land Owner or Organization Sponsor: (Print) ____

Applicant: (Print) Jorge L Pagan

Address: 9030 Island Road
Bismarck, ND 58503

Phone: (H) 701 751 0651
(W) 701 751 0651

Signature: ____ Date Submitted 12/8/17
(Riparian landowner or Organization Sponsoring the project)

emailed 11/15/18

North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
(701) 328-2750 • TTY 1-800-366-6888 or 711 • FAX (701) 328-3696 • http://swc.nd.gov

January 10, 2018

Dear Partner In Water Management:

As part of North Dakota's water management and development efforts, the State Water Commission (SWC) is in the process of developing a Water Development Plan for the 2019-2021 biennium and beyond. The purpose of this letter is to ask for your help in identifying North Dakota's potential water development projects, the timing of their implementation, and estimated costs. This includes updating project information already in our database, as well as providing information for new projects that have not been previously identified. We recognize that you and your constituents' efforts are at the heart of water development in North Dakota, and for that reason, we are respectfully requesting your help to make this process a success.

As in the past, the input gained with your help will become the foundation of the SWC's budget request to the Governor and Legislature. *Thus, we are interested in collecting information on water projects that may require SWC cost-share during the 2019-2021 and future biennia.*

In an effort to make this process more efficient for staff and project sponsors, project information will now be collected electronically via the SWC website at www.swc.nd.gov under the heading "2019 Water Development Plan." Should you prefer a hardcopy, forms (SFN 60440) can be downloaded from the same location on our website. Please submit each project individually for which you may be seeking SWC cost-share assistance in the future. To identify if your project is eligible for SWC cost-share assistance, the policy and eligibility requirements are available for review via the website under the "Project Development" drop-down menu.

To ensure that your projects are included in this planning process, we ask that you respond before March 23, 2018. If you have any questions, please call (701) 328-4989 to speak with Planning and Education Division staff members or email ndswmp@nd.gov. Thank you for your assistance with this important process.

Sincerely,

Garland Erbele

Garland Erbele, P.E.
State Engineer and Chief Engineer-Secretary

GE:jh:pf/322

DOUG BURGUM, GOVERNOR
CHAIRMAN

GARLAND ERBELE, P.E.
CHIEF ENGINEER-SECRETARY

120

bcwrd@midco.net

From: Michael Gunsch <mgunsch@houstoneng.com>
Sent: Monday, January 15, 2018 4:58 PM
To: 'James Landenberger'
Cc: 'Greg Larson'; 'Mona Livdahl, Secretary (bcwrd@midco.net)'
Subject: McDowell Dam SWC Planning Form 2019-2020
Attachments: SWC Planning From 2019-2020.pdf; McDowell Dam Rec Water Supply sfn_60549 _recreation_projects.pdf; McDowell Dam 2015-2017 sfn_60440_planning_info.pdf

James:

See attached. We generally complete and submit for the Board.
McDowell Dam was the only project on the planning list, so attached is last biennium's submittal as well.
All that is needed is to update the Planning form not the benefit summary.

Please advise if you want us to complete.
You can discuss at the Board meeting if you want as well, since Mona sent out the forms to you.

Thanks,

Michael Gunsch
Principal / Project Manager
Houston Engineering, Inc.
O 701.323.0200 | **D** 701.751.6277 | **F** 701.323.0300 |
C 701-527.2134

3712 Lockport Street ◦ Bismarck, ND ◦ 58503

www.houstoneng.com

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2019-2021 PROJECT INFORMATION AND PLANNING FORM

NORTH DAKOTA STATE WATER COMMISSION
PLANNING AND EDUCATION DIVISION
SFN 60440 (1/2018)

This form should be filled out by the project/program sponsor or consultant, with SWC staff assistance as needed. The information will be reviewed by SWC staff and added to our project/program database to assist with budgeting efforts, and completion of a Water Development Plan for future Biennia.

This form will also serve as the first step in obtaining cost-share assistance. *However, this form alone will not be considered as your formal request for SWC cost-share.* Once a project is in more advanced stages and is ready for potential SWC cost-share, a SWC cost-share application with all required information must be submitted for consideration.

Please answer the following questions as thoroughly as possible. If additional space is required, please use extra sheets as necessary, or provide supplemental information if available. For assistance with this form, contact the SWC Planning and Education Division at (701) 328-4989 or email ndswmp@nd.gov.

Project, program, or study name:

Sponsor(s):

Location (county, city, township, etc.):

Benefitting Basin:

☐ Devils Lake ☐ Lower Missouri ☐ Lower Red River ☐ Mouse River

☐ James River ☐ Upper Missouri ☐ Upper Red River ☐ Multi-Basin

Description of request: ☐ New ☐ Updated (previously submitted)

What type of effort is being pursued? ☐ Project ☐ Study

What is the main focus of the project or study?

☐ Flood Control ☐ Water Supply (Municipal) ☐ Water Supply (Rural)

☐ Irrigation ☐ Water Supply (Regional) ☐ General Water Management

Description of project or study; including description of problem or need and how this effort addresses that problem or need:

Has a feasibility study been completed?	☐ Yes	☐ No	☐ Ongoing	☐ Not Applicable
Has an engineering design been completed?	☐ Yes	☐ No	☐ Ongoing	☐ Not Applicable
Have land or easements been acquired?	☐ Yes	☐ No	☐ Ongoing	☐ Not Applicable
Have all necessary permits been acquired?	☐ Yes	☐ No	☐ Ongoing	☐ Not Applicable

Level of public review project or program has undergone:

Do you expect any significant obstacles to implementation/construction (i.e., problems with land acquisition, permits, funding, local opposition, environmental concerns, etc.)?

Funding Timeline (carefully consider when SWC cost-share will be needed)

Source	Total Cost	7/1/2017-6/30/2019 (And Prior Bienna)	7/1/19-6/30/21	7/1/2021-6/30/2023	Beyond 6/30/2023
Federal	$	$	$	$	$
State Water Commission	$	$	$	$	$
Other State Of ND	$	$	$	$	$
Local	$	$	$	$	$
Other	$	$	$	$	$
Total	$	$	$	$	$

Please provide names and amounts from all potential funding partners/sources, including all other State of North Dakota sources (grant or loan):

Explain implementation timelines, considering all phases and current status:

Project Sponsor Contact Name	Title	Date	
Address	City	State	ZIP Code
Telephone Number		Email	

Project Consultant Contact Name	Title	Date	
Address	City	State	ZIP Code
Telephone Number		Email	

Please Attach Supporting Information As Needed

E-MAIL TO: NDSWMP@nd.gov

MAIL TO:

Planning & Education Division
ND State Water Commission
900 E Boulevard Ave. Dept. 770
Bismarck, ND 58505-0850

RECREATION PROJECT BENEFIT SUMMARY

NORTH DAKOTA STATE WATER COMMISSION
PLANNING AND EDUCATION DIVISION
SFN 60549 (1/2016)

The following information will be used as part of the agency's project planning, budget development, and project prioritization processes. Project sponsors requesting SWC cost-share that have a project with a total cost of $500,000 or more are required to provide supplemental information related to project benefits per NDCC 61-02-01.3. If the proposed project has undergone a detailed benefit-cost analysis, that information may be referenced or provided in lieu of the following.

Project Name:
McDowell Dam Supplemental Water Supply Project

Project Sponsor(s):
Burleigh County Water Resource District

Describe existing and anticipated future conditions without the proposed project.

Existing conditions have been reasonable since the alum treatment of the lake and reasonable runoff years. Without the project during low runoff years or extended drought periods the levels in the reservoir will fall to unacceptable levels. This has occurred in the past and is likely to occur in the future. When this occurs the recreational uses drops off dramatically as access to the water becomes limited and the water quality deteriorates quickly.

Estimate the number of people who will use the recreation facilities on an annual basis, including a description of the basis for the estimate.

Historic records maintained by the BCWRD for annual visitor use of the McDowell Dam Recreational Area indicate there have been as low as 40,000 visitors with some recent years over 85,000+ visitors. In a study completed by the NRCS it was noted that the use of the recreation area is a clear function of the water levels in the reservoir. Some of the recent high use is attributed the 2011 Missouri River flood, however many people have discovered this unique public recreation area and they continue to come and enjoy.

Provide any additional project-related benefits that you would like considered.

The BCWRD has implemented a number of site improvements over the past decade and contracts with the Bismarck Parks and Recreation District to manage the facilities. These improvements have resulted in the increase use of the facility.

MAIL TO:

Planning & Education Division
ND State Water Commission
900 E Boulevard Ave. Dept. 770
Bismarck, ND 58505-0850

E-MAIL: NDSWMP@nd.gov

For assistance with this form, contact the SWC Planning and Education Division at (701) 328-4989.

2017-2019 PROJECT INFORMATION AND PLANNING FORM

NORTH DAKOTA STATE WATER COMMISSION
PLANNING AND EDUCATION DIVISION
SFN 60440 (1/2016)

This form should be filled out by the project/program sponsor or consultant, with SWC staff assistance as needed. The information will be reviewed by SWC staff and added to our project/program database to assist with budgeting efforts, and completion of a 2017-2019 Water Development Report - an update to the 2015 State Water Plan.

This form will also serve as the first step in obtaining cost-share assistance. *However, this form alone will not be considered as your formal request for SWC cost-share.* Once a project is in more advanced stages and is ready for potential SWC cost-share, a SWC cost-share application with all required information must be submitted for consideration.

Please answer the following questions as thoroughly as possible. If additional space is required, please use extra sheets as necessary, or provide supplemental information if available. For assistance with this form, contact the SWC Planning and Education Division at (701) 328-4967.

Project, program, or study name:
McDowell Dam Supplimental Water Supply

Sponsor(s):
Burleigh County Water Resource District

Location (county, city, township, etc.):
SE 1/4 Section 27 T139N R80W, Burleigh County

Description of request: ☐ New ☒ Updated (previously submitted)

What type of effort is being pursued? ☒ Project ☐ Study

What is the focus of the project or study? (check all that apply)

☐ Flood Control	☐ Multi-Purpose	☐ Bank Stabilization	☐ Dam Safety/EAP
☐ Recreation	☒ Water Supply	☐ Snagging & Clearing	☐ Property Acquisition
☐ Irrigation	☐ Water Retention	☐ Rural Flood Control	☐ Other

Please explain each above checked item:

The proposed project will provide a supplemental water supply through the diversion of available waters from Apple Creek for the recreation reservoir created by McDowell Dam.

Description of problem or need and how this effort addresses that problem or need:

The watershed contribution to McDowell Dam is inadequate to maintain the intended full service level during extended drought periods. Water quality also suffers during periods of normal low water levels, which in turn negatively impacts the public recreational value of the facility. By supplementing the reservoir water supply with water from Apple Creek, the full service level will be more readily maintained, and water quality will improve. The water imported from Apple Creek with be treated to reduce the nitrogen and phosphorous loading in to the reservoir.

Has feasibility study been completed?	☒ Yes	☐ No	☐ Ongoing	☐ Not Applicable
Has engineering design been completed?	☐ Yes	☐ No	☒ Ongoing	☐ Not Applicable
Have land or easements been acquired?	☐ Yes	☒ No	☐ Ongoing	☐ Not Applicable
Have all necessary permits been acquired?	☐ Yes	☐ No	☒ Ongoing	☐ Not Applicable

Level of public review project or program has undergone:

A feasibility level study was completed along with an extensive water quantity and quality study, and subsequent alum treatment.
The notification requirements for the Conditional Water Permit Application were completed, for both the installation or flash boards as well as the Apple Creek Diversion. The water permits for this project remain under review by the North Dakota State Engineer. All notifications and comments have been reviewed and the Board has been informed that a permit issuance will occur however, as of the date of this form the permit has not been issues.

Do you expect any significant obstacles to implementation/construction (i.e., problems with land acquisition, permits, funding, local opposition, environmental concerns, etc.)?

The BCWRD has reviewed several routing options for the water supply line system, however easements remain to be secured as the water permit issuance has been delayed. Obtaining easements on private lands always presents its challenges. A USACOE permit for the intake is required, however the final location of the intake remains to be determined so no application has been submitted.

Funding Timeline (carefully consider when SWC cost-share will be needed)

Source	Total Cost	2015-2017 (And Prior Bienna)	2017-2019 7/1/17-6/30/19	Beyond 7/1/19
Federal	$	$	$	$
State Water Commission	$	$	$ 280000	$
Other State	$	$	$	$
Local	$	$	$ 420000	$
Total	$ $ 0.00	$ $ 0.00	$ 700000	$ $ 0.00

Please provide names of all potential funding partners/sources, including all other State of North Dakota sources (grant or loan):

North Dakota State Water Commission and Burleigh County Water Resource District. The State Water Commissions participation is based on 40%, which is the current cost share policy limit for recreational facility improvements. There is also the potential for a small amount of funding from the North Dakota State Game and Fish Department, however these funds have not been requested.

Explain implementation timelines, considering all phases and current status:

Easement acquisition for the Apple Creek intake and water supply line can not occur until the water permit is secured. Since runoff conditions have been favorable construction is currently not anticipated until after 2017.

****Please Note****

Sponsors requesting SWC cost-share that have a project with a total cost of $500,000 or more are also required to provide supplemental information related to project benefits per NDCC 61-02-01.3. Project benefit forms are available for download (by project type) via the SWC website at www.swc.nd.gov.

Submitted By	Title	Date
Dennis Reep	Chairman	March 8, 2016

Address	City	State	ZIP Code
1811 E Thayer Avenue	Bismarck	ND	58501

Telephone Number	Email
701-222-3499	bcwrd@nd.gov

MAIL TO:

Planning & Education Division
ND State Water Commission
900 E Boulevard Ave. Dept. 770
Bismarck, ND 58505-0850

E-MAIL: NDSWMP@nd.gov

BCWRD Invoices
1-22-18

Name	Project	Invoice	Amount
Bliss Law Firm	December Services	19268	$4,800.82
Bismarck Parks and Rec	Admin	4880	$1,913.86
Bismarck Parks and Rec	Expenses	4880	$7,655.45
Braun Intertec	Hay Creek Pines	B114592	$3,167.44
Dakota Prairies RC& D	2018 Dues	121	$100.00
Fronteer	Payroll and tax forms	38	$545.00
Houston Engineering	General	37669	$1,000.00
Houston Engineering	Drainage Complaints	34673	$6,416.53
Houston Engineering	Missouri River Bank Stabilization	37674	$2,234.00
Houston Engineering	Hay Creek Pines	37675	$2,817.50
ND Water Resource District	Board dinner meeting - joint conference	1510	$200.00
ND Water Resource District	2018 Dues	2018	$675.00
ND Water Resource District	3 handbooks	2018	$90.00
ND Water Users	2018 Dues	2018	$300.00
PMS	December Services	6128	$2,647.57
Greg Larson	4th Quarter	4th	$3,053.19
Dennis Reep	4th Quarter	4th	$1,235.00
James Landenberger	4th Quarter	4th	$919.23
Rick Detwiller	4th Quarter	4th	$697.50
Rod Beck	4th Quarter	4th	$2,687.11
	Subtotal		$43,155.20
MRCC Bills			
Houston Engineering	Work Order #18 SA 25	37671	$3,840.50
	Subtotal		$3,840.50
Fox Island Bills			
Houston Engineering	Fox Island	37670	$20,530.25
	Subtotal		$20,530.25
	TOTAL		$67,525.95

Fronteer Payroll Services Inc
4007 State Street, Ste 20
P.O. Box 1315
Bismarck, ND 58502-

Date: January 19, 2018
Invoice #: 0000000038
Terms: Net

Burleigh Co. Water Resource District
1720 Burnt Boat Dr
Ste 205
Bismarck, ND 58503-

Total Due: **$545.00**

Detach And Return With Payment

Fronteer Payroll Services Inc 4007 State Street, Ste 20 P.O. Box 1315, Bismarck, ND 58502-

Description	Amount	Total
Quarterly Payroll Processing	$125.00	$125.00
4th Quarter Payroll Report Completion	$125.00	$125.00
940 Annual Report Completion	$75.00	$75.00
Completion of 7 W2s @ $10/W2	$70.00	$70.00
Completion of 2017 1099s 6 @ $25	$150.00	$150.00
	Total:	**$545.00**

Thank you for your business!

Personalized Management Services, Inc.

1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

Invoice

Date	Invoice #
12/31/2017	6128

Bill To
BCWRD

Description	Amount
Administrative/Management Fees (December - Bookkeeping)	750.00
Administrative/Management Fees (Hay Creek Pines)	350.00
Administrative/Management Fees (Fox Island)	250.00
Administrative/Management Fees (meeting per diem)	1,000.00
Administrative/Management Fees - Hyder email on rip rap, Specials for MRCC, Burnt Creek calls)	150.00
Supplies post cards for Fox Island mailing	30.00
Postage (fox island mailings)	40.80
Labels (fox island mailing)	6.00
Photocopies	22.00
Printing - Color	42.00
Postage	6.77
Total	$2,647.57

INVOICE

HoustonEngineering Inc.

Remit to:
1401 21st Ave N, Fargo, ND 58102
Phone: 701.237.5065
Fed Tax ID: 45-0314557
Interest of 1%/month applied to past due invoices

Ms. Mona Livdahl
Burleigh County Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

January 16, 2018
Invoice No: 0037669
Due Date: February 15, 2018

Project R084241-0000 Burleigh Co. WRD - General

BCWRD Project No.: 315 - Engineering Administration

See attached Project Status Report and Invoice Description.

Professional Services from November 26, 2017 to January 6, 2018

Phase 000 Burleigh Co. WRD - General

Monthly Lump Sum Amount

Fee		**1,000.00**
	Total this Phase	**$1,000.00**
	Total this Invoice	**$1,000.00**

HoustonEngineering Inc.
3712 Lockport Street
Bismarck, ND 58503
Phone: 701-323-0200
Fax: 701-323-0300

Project Status and Invoice Description

HEI Project No.:	**4241-0000: BCWRD General Services**
BCWRD Account No.	**315 – Engineering Administration**
Project Name:	**General Engineering Services**

Billing Period: *November 26, 2017 through January 6, 2018*

Professional engineering and surveying services related to activities and issues addressed at the request and direction of the BCWRD during this billing period, including time associated with, but not limited to the following:

- December Meeting
- Meeting preparation and discussion
- Review of minutes and agenda updates
- Various BCWRD issues, contacts and calls

Comments:

- This invoice is only for Board meeting related time only. In accordance with Board direction, all costs associated with drainage complaints, stormwater plans, and other project related activities are to be invoiced to assigned project numbers.

Total Invoice $1,000

INVOICE

HoustonEngineering Inc.

Remit to:
1401 21st Ave N, Fargo, ND 58102
Phone: 701.237.5065
Fed Tax ID: 45-0314557
Interest of 1%/month applied to past due invoices

Ms. Mona Livdahl
Burleigh County Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

January 16, 2018
Invoice No: 0037670
Due Date: February 15, 2018

Project R106025-0006 Fox Island Flood Control

BCWRD Account No.: 937 - Special Assessment Projects

See attached Project Status Report and Invoice Description.

Professional Services from November 26, 2017 to January 6, 2018

Phase 010 Reroute Alternative

Professional Personnel

	Hours	Rate	Amount	
Senior Project Manager	9.25	190.00	1,757.50	
Sr Project Manager	9.25	196.00	1,813.00	
Project Engineer	2.00	158.00	316.00	
Professional Engineer	9.50	142.00	1,349.00	
Engineer III	3.00	146.00	438.00	
Totals	33.00		5,673.50	
Total Labor				**5,673.50**
			Total this Phase	**$5,673.50**

Phase 100 Regulatory and Easements

Task 002 Easements and Rights-of-Way

Professional Personnel

	Hours	Rate	Amount	
Senior Project Manager	3.00	190.00	570.00	
Sr Project Manager	1.50	196.00	294.00	
Professional Engineer	13.75	142.00	1,952.50	
Engineer III	2.00	146.00	292.00	
Graduate Engineer	8.50	114.00	969.00	
Senior Land Surveyor	1.00	155.00	155.00	
CAD Supervisor	.50	104.00	52.00	
Administrative Assistant	3.00	72.00	216.00	
Totals	33.25		4,500.50	
Total Labor				**4,500.50**

Reimbursable Expenses

Filing Fees			255.00	
Total Reimbursables			**255.00**	**255.00**
			Total this Task	**$4,755.50**

		Total this Phase	**$4,755.50**

Phase 200 Final Design

Task 001 Ground Reconnaissance Survey

Professional Personnel

	Hours	Rate	Amount	
Professional Engineer	6.00	142.00	852.00	
CAD Supervisor	12.25	101.00	1,237.25	
Totals	18.25		2,089.25	
Total Labor				**2,089.25**
		Total this Task		**$2,089.25**

Task 004 Levee Design

Professional Personnel

	Hours	Rate	Amount	
Professional Engineer	7.25	142.00	1,029.50	
CAD Operator	24.00	77.00	1,848.00	
Totals	31.25		2,877.50	
Total Labor				**2,877.50**
		Total this Task		**$2,877.50**

Task 005 Project Manual

Professional Personnel

	Hours	Rate	Amount	
Project Engineer	10.50	158.00	1,659.00	
Totals	10.50		1,659.00	
Total Labor				**1,659.00**
		Total this Task		**$1,659.00**

Task 006 Coordination with Burleigh County Highway Department

Professional Personnel

	Hours	Rate	Amount	
Project Manager	.50	173.00	86.50	
Professional Engineer	.50	142.00	71.00	
Totals	1.00		157.50	
Total Labor				**157.50**
		Total this Task		**$157.50**

Task 007 Project QA/QC and Meetings

Professional Personnel

	Hours	Rate	Amount	
Project Engineer	21.00	158.00	3,318.00	
Totals	21.00		3,318.00	
Total Labor				**3,318.00**
		Total this Task		**$3,318.00**
		Total this Phase		**$10,101.25**
		Total this Invoice		**$20,530.25**

HoustonEngineering Inc.
3712 Lockport Street
Bismarck, ND 58503
Phone: 701-323-0200
Fax: 701-323-0300

Project Status and Invoice Description

HEI Project No.:	**R106025-006**
BCWRD Account No.	**937 – Special Assessment Projects**
Project Name:	**Fox Island Flood Control**

Billing Period: ***November 26, 2017 through January 6, 2018***

Professional engineering services related to the activities associated with the preparation of the easement documents, regulatory submittals and final design documents for the Fox Island Flood Control Project.

Tasks Completed:

- Continued landowner negotiations with Ness and Brown along with additional landscape architectural services and renderings to assist with securing the easements. The Brown's were provided with a claim's release to review, which is necessary to remove the Board, Contractor and Engineering Consultants obligations within the temporary easement.
- Temporary construction easement letters were mailed after Burleigh County Commission reaffirmed funding after states attorney's opinion. The rate of return on these documents has been very slow, meaning the cost to procure will increase.
- Responded to landowner calls regarding project development and implementation.
- Continued final design work, QA/QC process and development of project manual
- Continued work on Project Manual (Specifications) for plan set and bidding
- South Gallatin Drive landowners approached the County Commission regarding a proposed reroute alternative. This resulted in discussion at an executive session and extended time to review an approach regarding a public information meeting. These costs are noted separately below as they are outside our scope of services. Research was conducted on project history and reviewing documentation on project development and process. The public hearing and homeowner's association meeting were held after this invoice period.
- Submittal to ND State Engineer and USACE for Section 408 permitting is under development

Comments and Issues

- *Securing landowner easements continues to absorb considerable and time consuming during design and have increased design costs. It also has delayed the permit application to the ND State Engineer. We anticipate another change in budget to address ongoing issues associated with the temporary construction easements.*
- *The filing of a petition to the County Commission regarding a proposed reroute has resulted in the need to consider the impact and direction of this filing, as well as the Board requesting information on project formation since 2009, as well as holding a public information and attendance at the Fox Island Homeowners Association Annual meeting. These costs are outside the scope of our current contract and time is invoiced separately as noted below,*
- USACE Section 408 may result in the need to complete an Environmental Assessment. Submittal to the USACE remains to be completed pending final design for levee permit application.
- Bidding in 2017 is no longer practical, early in 2018 is an objective, though permit review needs to be considered before advertising. The 2018 timeline is becoming a concern if delays continue.
- Final negotiations with residents continues with one landowner easement remaining

See accompanying invoice for personnel cost breakdown.

Reroute Alternative Issues	$ 5,673.50	Out of Scope Services
Regulatory and Easements (100)	$ 4,755.50	
Final Design (200)	$ 10,101.25	
Total Invoice	**$ 20,530.25**	

INVOICE

HoustonEngineering Inc.

Remit to:
1401 21st Ave N, Fargo, ND 58102
Phone: 701.237.5065
Fed Tax ID: 45-0314557
Interest of 1%/month applied to past due invoices

Ms. Mona Livdahl
Burleigh County Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

January 16, 2018
Invoice No: 0037671
Due Date: February 15, 2018

Project R126025-0012 Missouri River Correctional Facility FHMP

BCWRD Account No.: 937F-1
Work Order No. 18; Specific Authorization No. 25
Amendment #1

See attached Project Status Report and Invoice Description.

Professional Services from November 26, 2017 to January 6, 2018

Phase 700 Financial and Bonding
Professional Personnel

	Hours	Rate	Amount	
Senior Project Manager	.50	190.00	95.00	
Totals	.50		95.00	
Total Labor				**95.00**
		Total this Phase		**$95.00**

Phase 800 Operations and Maintenance Manual
Professional Personnel

	Hours	Rate	Amount	
Senior Project Manager	.50	190.00	95.00	
Project Engineer	20.50	158.00	3,239.00	
Project Engineer	1.00	163.00	163.00	
Professional Engineer	1.75	142.00	248.50	
Totals	23.75		3,745.50	
Total Labor				**3,745.50**
		Total this Phase		**$3,745.50**
		Total this Invoice		**$3,840.50**

HoustonEngineering Inc.
3712 Lockport Street
Bismarck, ND 58503
Phone: 701-323-0200
Fax: 701-323-0300

Project Status and Invoice Description

HEI Project No.: **6025-0012**
BCWRD Account No. **937F-1**
Project Name: **Missouri River Correction Facility FHMP**

Billing Period: *November 26, 2017 through January 6, 2018*

Professional engineering and surveying services related to the Missouri River Correctional Facility FHMP including time associated with, but not limited to the following:

Tasks Completed:

- Work on final cost accounting and bonding
- Operations and Maintenance Manual – Draft Completed
- Discussions with State Engineer's office regarding project documentation

Comments and Issues:

- This is the 14th invoice under Specific Authorization #25 Amendment #1, and continuation of previously authorized work on construction management services
- A copy of the O&M Manual and record drawings are to be transmitted to the ND State Engineer when completed.
- The NDSE has requested a final accounting of the final project expenses and costs. These will be prepared at the direction of the Board after the Bond Funds have been received and the final documents completed. This will require an internal review of BCWRD records with the secretary and treasurer.

See accompanying invoice for personnel cost breakdown.

Phase (700) Financial and Bonding	$	95.00
Phase (800) O&M Manual	$	3,745.50
Total	**$**	**3,840.50**

INVOICE

HoustonEngineering Inc.

Remit to:
1401 21st Ave N, Fargo, ND 58102
Phone: 701.237.5065
Fed Tax ID: 45-0314557
Interest of 1%/month applied to past due invoices

Ms. Mona Livdahl
Burleigh County Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

January 16, 2018
Invoice No: 0037673
Due Date: February 15, 2018

Project R146025-0018 Burleigh County WRD Drainage Complaints

BCWRD Account No.: 910

See attached Project Status Report and Invoice Description.

Professional Services from November 26, 2017 to January 6, 2018

Phase 020 Pavlicek v. Krein - Obstruction/Drain

Professional Personnel

	Hours	Rate	Amount	
Senior Project Manager	1.00	190.00	190.00	
Totals	1.00		190.00	
Total Labor				**190.00**
		Total this Phase		**$190.00**

Phase 021 Christianson-Schield-Laxdal

Professional Personnel

	Hours	Rate	Amount	
Senior Project Manager	13.50	190.00	2,565.00	
Sr Project Manager	.25	196.00	49.00	
Professional Engineer	3.75	142.00	532.50	
Engineer III	.50	146.00	73.00	
Graduate Engineer	5.00	114.00	570.00	
Administrative Assistant	.75	72.00	54.00	
Totals	23.75		3,843.50	
Total Labor				**3,843.50**
		Total this Phase		**$3,843.50**

Phase 022 City of Lincoln - Apple Creek Dam

Professional Personnel

	Hours	Rate	Amount	
Senior Project Manager	3.75	190.00	712.50	
Professional Engineer	6.75	142.00	958.50	
Graduate Engineer	3.00	114.00	342.00	
Two Person Crew	2.00	167.00	334.00	
Totals	15.50		2,347.00	
Total Labor				**2,347.00**

Unit Billing

(BSK) GPS Equipment Unit Hours	1.0 Hour @ 25.00	25.00

Project	R146025-0018	Burleigh County WRD Drainage Complaints	Invoice	0037673
(BSK) Mileage - Survey/Inspection		15.0 Miles @ 0.735	11.03	
Total Units			**36.03**	**36.03**
		Total this Phase		**$2,383.03**
		Total this Invoice		**$6,416.53**

HoustonEngineering Inc.
3712 Lockport Street
Bismarck, ND 58503
Phone: 701-323-0200
Fax: 701-323-0300

Project Status and Invoice Description

HEI Project No.:	**6025-0018: Drainage Complaints**
BCWRD Account No.	**910 Shared Projects**
Project Name:	**Drainage Complaints**

Billing Period: ***November 26, 2017 through January 6, 2018***

Professional engineering and surveying services related to the evaluation of drainage complaints.

Pavlicek Vs Krein – Obstruction/Drain Permit (020)

- Hearing on complaint, Krein claims the landowner and County Highway Department are okay with things the way they are. He was directed to obtain written clearance from these parties for the Board.
- Hearing raised the question regarding the need for a drainage permit. Contacted SWC Regulatory Division and provided data regarding the Board's determination and requested consideration as to if a drainage permit is required in this instance or guidance based on a recent Ward County appeal.
- Additional work pending response from Krein on clearances and the SWC on permit requirement.

Christianson-Schield-Laxdal – Obstruction Complaint – Hay Creek Pines (021)

- Reviewed all three obstruction complaints filed on the downstream watercourse
- Meeting with Resident's Committee to note this review was to be completed
- Drafted letter for manager to Bakke regarding the Board determination to survey and investigate site conditions on the property.
- Survey site was completed, then a plan and profile drafted to document conditions
- Prepared photographic record of observations to document findings on obstructions
- Completed an evaluation memorandum based on the data collected and containing findings and recommendations for manager and legal review prior to submittal to Board for their consideration.

City of Lincoln – Apple Creek Dam and Erosion (022)

- Evaluated aerial photographic history 1938 to 2017
- Determined landowner ownership within and east of the erosion area
- Researched SWC records and found no recorded permits for this structure
- Contacted SEH regarding the complaint
- SEH will contact the Landowner for access to review site and contact HEI
- Additional work pending SEH contact with owner to conduct a site review

Comments:

- The Hay Creek Pines Groundwater Removal Project will have a separate project number going forward. As it was part of this complaint record it will tracked independently and a summary of costs to this stage will be provided to the Board per their request.

Phase (020) - Pavlicek Vs Krein – Obstruction/Drain Permit	$ 190.00
Phase (021) - Christianson-Schield-Laxdal – Obstruction Complaint	$3,843.50
Phase (022) - City of Lincoln Apple Creek Dam and Erosion	$2,383.03
Total	**$6,416.53**

See accompanying invoice for personnel cost breakdown.

INVOICE

HoustonEngineering Inc.

Remit to:
1401 21st Ave N, Fargo, ND 58102
Phone: 701.237.5065
Fed Tax ID: 45-0314557
Interest of 1%/month applied to past due invoices

Ms. Mona Livdahl
Burleigh County Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

January 16, 2018
Invoice No: 0037674
Due Date: February 15, 2018

Project R146025-0021 Missouri River Bank Stabilization Issues

BCWRD Account No.: 937I-1

See attached Project Status Report and Invoice Description.

Professional Services from November 26, 2017 to January 6, 2018

Phase 004 COE Section 32 Easement Documentation

Professional Personnel

	Hours	Rate	Amount	
Senior Project Manager	11.50	190.00	2,185.00	
Sr Project Manager	.25	196.00	49.00	
Totals	11.75		2,234.00	
Total Labor				**2,234.00**
		Total this Phase		**$2,234.00**
		Total this Invoice		**$2,234.00**

HoustonEngineering Inc.
3712 Lockport Street
Bismarck, ND 58503
Phone: 701-323-0200
Fax: 701-323-0300

Project Status and Invoice Description

HEI Project No.:	**6025-0021: Missouri River Bank Stabilization**
BCWRD Account No.	**937I-1**
Project Name:	**Missouri River Bank Stabilization**

Billing Period: ***November 26, 2017 through January 6, 2018***

Professional engineering and surveying services related to Missouri River Bank Stabilization easements, Sovereign Lands permit applications, USACE permit applications and related issues.

Tasks Completed:

Sovereign Lands Permit Application Hyder – Hogue Island

- Contacts with USACE related to Section 408 and Section 404 Permit approvals
- Contact with ND State Floodplain Coordinator regarding the Floodplain Development Permit
- Applicant has provided background information on the following:
  - Sovereign Lands Permit Approval
  - Burleigh County Planning Department letters (3)
  - USACE Section 408 authorization
- Draft approval and recommended conditions letter from the BCWRD to complete the work within the easement – Board determination to be considered at their January 22nd meeting.

Comments and Issues:

- The ND State Floodplain Coordinator noted the need to secure a floodplain development permit. The BCWRD will have to determine if they are willing to approve the project without that permit. Discussed with Board Manager regarding options and direction.

- The Section 408 approval was provided by the USACE without consultation with the BCWRD. Notice to be provided to the USACE regarding this error and request of a correction letter.

- Contacted by the applicant regarding the next steps to secure authority to proceed with the project within the BCWRD bank stabilization easement.

See accompanying invoice for personnel cost breakdown.

Phase (004) COE Section 32 Easement Documentation	$ 2,234.00
Total	**$ 2,234.00**

INVOICE

HoustonEngineering Inc.

Remit to:
1401 21st Ave N, Fargo, ND 58102
Phone: 701.237.5065
Fed Tax ID: 45-0314557
Interest of 1%/month applied to past due invoices

Ms. Mona Livdahl
Burleigh County Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

January 16, 2018
Invoice No: 0037675
Due Date: February 15, 2018

Project R186025-0026 Hay Creek Pines Groundwater Removal Project

BCWRD Account No.: 910

See attached Project Status Report and Invoice Description.

Professional Services from November 26, 2017 to January 6, 2018

Phase 005 Water Quality Compliance

Professional Personnel

	Hours	Rate	Amount	
Senior Project Manager	7.50	190.00	1,425.00	
Project Engineer	.25	158.00	39.50	
Professional Engineer	8.50	142.00	1,207.00	
Engineer III	1.00	146.00	146.00	
Totals	17.25		2,817.50	
Total Labor				**2,817.50**
		Total this Phase		**$2,817.50**
		Total this Invoice		**$2,817.50**

	Current	Prior	Total
Billings to Date	**2,817.50**	**0.00**	**2,817.50**

HoustonEngineering Inc.
3712 Lockport Street
Bismarck, ND 58503
Phone: 701-323-0200
Fax: 701-323-0300

Project Status and Invoice Description

HEI Project No.:	**6025-0026**
BCWRD Account No.	**910 Shared Projects**
Project Name:	**Hay Creek Pines Groundwater Removal Project**

Billing Period: *November 26, 2017 through January 6, 2018*

Professional engineering and surveying services related to evaluating the Hay Creek Pines groundwater removal project. This invoice is uses a new project number given the direction of the project and future development options. A new BCWRD account number may be assigned for the next invoice.

Hay Creek Pines Water Quality Compliance

- Receive and review NDDH and EPA letters
- Meeting with the ND Health Dept. regarding complaint
- Discussions and Board Executive Session
- Evaluate runoff issues and ability to discharge waters into Hay Creek
- Review rainfall and snowmelt hydrographs
- Consideration of Project Operational Requirements
- Resident meeting, partial to explain the water quality issues.

Comments:

- Costs have increased with additional landowner issues and project development
  - Concerns noted to the Board on cost and next steps approach
- Drainage complaint review costs are being charged under the complaint project number, these are separate from the project development
- The impacts of the water quality discharge requirements remain to be determined and could affect project benefits and operational. Discussions with Braun on the ability to model the impacts and options to assess water quality during discharges, and monitoring.
- Project development is on hold, while landowner information is secured and the drainage permit appeal process continues. Direction of the Board is necessary prior to proceeding. A cost to date distribution is under development.

Water Quality Compliance	$ 2,817.50
Total	**$ 2,817.50**

See accompanying invoice for personnel cost breakdown.

north dakota
water
resource
districts
association

Michael A. Dwyer, Executive Secretary

December 19, 2017

TO: North Dakota Water Resource Districts
FROM: Ed Grunett, President
RE: 2018 Annual Membership Dues

This is your statement for 2018 membership in the ND Water Resource Districts Association. Your continued support is greatly appreciated. We will continue to support water resource districts and promote water management as effectively as possible. Please pay your dues to both the Water Resource Districts Association and the Water Users Association. We have an excellent partnership with the North Dakota Water Users, and both organizations are vital to accomplish our mutual goals.

After the 2017 legislative session, we realized that we must upgrade our legislative effort. We are planning on having full-time legislative advocacy during the legislative session. As a result, it was recommended at our annual meeting this December that we increase our dues in the amount of $200 dollars. We have not had a dues increase since 2009. This will enable us to provide the legislative support that we need to protect our interests, our effectiveness, our ability to manage water at the local level, and our reputation. Water managers are dedicated local public servants, and often times the work is difficult and the appreciation is limited. We need to make sure our voice is heard vigorously during legislative sessions. We hope that each of you will concur with the need for this dues increase.

North Dakota Water Resource Districts Association Dues: For Calendar Year 2018

1. Amount $675

2. Payable to: ND Water Resource Districts Association
PO Box 2254
Bismarck, ND 58502-2254

Please send us the name, address, and phone number, fax number, and email of all Managers, Secretaries, and Attorneys, and identify which Manager is Chairman. We need all current addresses as many have changed due to the implementation of the 911 emergency service addresses. This will ensure that our mailing list is up-to-date so that all water managers receive our mailings. Also provide fax numbers and e-mail addresses will help in our efforts to communicate. Please return this information with your dues. Thank you.

Sincerely,

Ed Grunett
President

P.O. Box 2254 • Bismarck, North Dakota 58502 • (701) 223-4615

north dakota
water
resource
districts
association

Michael A. Dwyer, Executive Secretary

December 12, 2017

Denis Reep
Burleigh County Water Resource District
1811 E Thayer Ave
Bismarck, ND 58501

Wade M. Bachmeier
Morton County Water Resource District
8028 Willow Road North
Mandan, ND 58554

Dear Dennis and Wade:

On behalf of the North Dakota Water Resource Districts Association we would like to thank you for sponsoring the North Dakota Water Resource Districts Board of Directors Dinner Meeting on Tuesday, December 5.

We are grateful for your generous contribution. The total bill comes to $400, and this amount is divided equally among the two Water Resource Districts. Thus, the amount to be reimbursed by each district to the North Dakota Water Resource Districts Association is $200.

Again, we thank you for your support!

Sincerely,

Michael Dwyer
Executive Vice President

Hannah Straw
Communications Director

North Dakota Water Resource Districts Association

TO: Dennis Reep
Burleigh County Water Resource District
1811 E Thayer Ave
Bismarck, ND 58501

RE: Annual Joint 2017 Water Convention

INVOICE

DATE	INVOICE #
12/12/17	1510

DESCRIPTION	AMOUNT
Water Resource Districts Association Board of Directors Dinner Meeting	$200.00
Thank You!!! **TOTAL**	$ 200.00

Please make checks payable to: ND Water Resource Districts Association

North Dakota Water Resource Districts Association
1605 East Capitol Ave.
PO Box 2254
Bismarck, ND 58502
Telephone: (701) 223-4615
Fax: (701) 223-4645

RAMKOTA HOTEL & CONFERENCE CENTER
800 SOUTH THIRD ST
BISMARCK ND 58504
(701) 258-7700

PM Acct: 9001

DAY: Tuesday
DATE: 12.05.17
ROOM: Room 2160

Guest Billing Address:
Water Resource Districts
Hannah Straw

* Tax Exempt

	FOOD:	DESCRIPTION		AMOUNT
20	Beef Tips		$ 20.00	400.00

Food Section:	FOOD TOTAL	$ 400.00
$ 472.00	18% SERVICE CHARGE	72.00

A/V - Misc. - Rentals (T)	Qty.	Each	

12052	Total:	$ 472.00

North Dakota Water Users Association
P.O. Box 2254
Bismarck, North Dakota 58502
(701) 223-4615

DEDICATED TO THE PROTECTION, DEVELOPMENT, AND MANAGEMENT OF NORTH DAKOTA'S WATER RESOURCES

MONA LIVDAHL
BURLEIGH COUNTY WRD
1811 E THAYER AVE
BISMARCK ND 58501

MEMBERSHIP DUES STATEMENT

DATE DUE: January 1, 2018

COUNTY	MEMBERSHIP CLASSIFICATION	AMOUNT DUE
BURLEIGH	WATER RESOURCE MEMBER	$300.00

The portion of dues paid to the North Dakota Water Users Association, which is attributable to lobbying activities, is 5% or less.

(Please mark address corrections)

MONA LIVDAHL
BURLEIGH COUNTY WRD
1811 E THAYER AVE
BISMARCK ND 58501

Please return this portion with your check payable to ND Water Users Association.

Mail remittance to:
North Dakota Water Users Association
P.O. Box 2254
Bismarck, ND 58502

Amount Due: $300.00

County: BURLEIGH

Contact Person: _____

Phone Number: _____

north dakota
water
resource
districts
association

Michael A. Dwyer, Executive Secretary

December 27, 2017

Mona Livdahl
Burleigh County WRD
1720 Burnt Boat Dr., St. 205
Bismarck, ND 58503

I N V O I C E

SUBJECT: HANDBOOKS

==========

3 - ND Water Resource Districts Handbooks (Dennis Reep, Greg Larson, & Kathleen Jones)	$90.00
Total:	**$90.00**

Michael Dwyer

P.O. Box 2254 • Bismarck, North Dakota 58502 • (701) 223-4615

Bliss Law Firm, LLC
400 East Broadway, Suite 308
Bismarck, ND 58501

Invoice submitted to:

Burleigh County Water Resource District
1720 Burnt Boat Dr., Suite 205
Bismarck, ND 58503

January 03, 2018

Invoice #19268

Professional Services

		Hrs/Rate	Amount
12/4/2017	(953) Telephone call from Manager Rod Beck, Mike Gunsch with regard to Braun report, Hay Creek Pines drain complaints, status of case.	0.50 231.00/hr	115.50
	(910H) Prepare for conference, conference with Kathleen Jones, James, Greg with regard to status of Fox Island matters.	1.00 231.00/hr	231.00
	(910H) Post-conference review of Fox Island materials.	0.40 231.00/hr	92.40
12/5/2017	(953) Telephone call from Mike Gunsch with regard to Hay Creek Pines testing by Braun Intertec.	0.30 231.00/hr	69.30
	(910H) E-mail from Mike Gunsch with regard to amended draft of Fox Island releases of claims; reply to Mike Gunch, Nic Cullen with regard to revisions.	0.40 231.00/hr	92.40
12/6/2017	(910H) Follow-up telephone calls to Kathleen Jones, Gary with regard to Burleigh County Commission testimony by certain Fox Island residents to deny funding for the Fox Island project.	0.50 231.00/hr	115.50
12/8/2017	(953) Numerous telephone calls to/from Greg, Mona, Mike Gunsch, and Rod with regard to Hay Creek Pines status, procedures in light of Nitschke requests; conference with Mona with regard to upcoming executive session.	1.50 231.00/hr	346.50
	(953) Telephone calls, e-mail to/from Health Department counsel Matt Sagsveen with regard to Hay Creek Pines matters.	0.40 231.00/hr	92.40

		Hrs/Rate	Amount
12/8/2017	(953) Review statutory bases for open meetings, executive session procedures.	0.40 231.00/hr	92.40
	(953) Receipt and review of Burleigh County States Attorney Richard Riha's opinion to the county commission with regard to Fox Island funding; forward opinion to Board Members and Commissioner Jones.	0.40 231.00/hr	92.40
	(910H) Telephone call from Mike Gunsch with regard to State's Attorney Riha's opinion, options.	0.50 231.00/hr	115.50
12/11/2017	(953) Preparation for meeting with Department of Health at the Department of Health with Mike Gunsch, Rod, Pete, Maggie Carlson (Assistant Attorney General); attend conference	2.00 231.00/hr	462.00
12/12/2017	(953) Follow-up telephone call to Mike Gunsch with regard to post Department of Health meeting debriefing, discussion of options subsequent to the meeting.	0.40 231.00/hr	92.40
	(910B) Follow-up telephone call to Dave Tschider with regard to his Hogue Island/Burnt Creek signage issue.	0.30 231.00/hr	69.30
12/13/2017	Prepare for Board meeting; attend Board meeting.		1,000.00
	(910B) Telephone call from Rick Detweiler with regard to Hogue Island signage issues.	0.30 231.00/hr	69.30
12/27/2017	(953) Telephone call from Manager Rod Beck with regard to status of Hay Creek Pines, Board response to the Nitschke requests and status of litigation.	0.50 231.00/hr	115.50
	(953) Receipt and review of additional Nitschke communications; draft proposed reply to Manager Beck for his review.	0.30 231.00/hr	69.30
	(953) Telephone call from Manager Rod Beck; review Nitschke reply correspondence, status of case.	0.40 231.00/hr	92.40
	(953) Telephone call from Mike Gunsch with regard to Hay Creek Pines committee meeting, Bakke land inspection, DOH operational plan.	0.50 231.00/hr	115.50
	(960-2) Receipt and review of Hyder bank stablization complaint; telephone call from Mike Gunsch with regard to the same.	0.40 231.00/hr	92.40
	(910H) Telephone call from Mike Gunsch, discussion of upcoming Fox Island annual meeting to be held in January.	0.40 231.00/hr	92.40
12/28/2017	(910G) Receipt and review of Mike Gunsch's reply to issue of Burnt Creek signage; reply to the same.	0.20 231.00/hr	46.20
	(312) Receipt and review of FEMA insurance coverages spreadsheet sent to Board by Houston Engineering.	0.20 231.00/hr	46.20

		Hrs/Rate	Amount
12/28/2017	(960-2) Receipt and review of initial scope of work, analysis by Houston Engineering of Apple Creek Dam drain complaint.	0.50 231.00/hr	115.50
	(910H) Receipt and review of draft of issuer's opinion; revise, finalize opinion, execute opinion, return to Mona and Bond counsel.	0.50 231.00/hr	115.50
12/29/2017	(953) Receipt and review of Houston Engineer's analysis of three Hay Creek Pines drain complaints, supporting date; reply to the Board with regard to defective Christianson complaint.	1.00 231.00/hr	231.00
	(910H) Review the package provided by Houston Engineering to Scott Brown and Pamela McCormick of proposed easements, release and supporting documents and exhibits; receipt and review of e-mail from Cullen with regard to the control levee easements and release of claims; follow-up e-mail to Attorney Dopson who is representing Mr. Brown and Ms. McCormick.	1.00 231.00/hr	231.00
	(910H) Follow-up telephone call to Mike Gunsch with regard to Mr. Brown's easement accomodations to other Fox Island residents.	0.40 231.00/hr	92.40
	(953) Follow-up telephone call to Mike Gunsch with regard to Bakke drain complaint; discuss proposed resolution and order by the Board with regard to the same.	0.40 231.00/hr	92.40
1/2/2018	(953) Receipt and review of documentation from Mike Gunsch with regard to Dale Walsh septic system corrections; reply to the same; discussion of flouride migration.	0.40 231.00/hr	92.40
	For professional services rendered		$4,788.40
	Additional Charges :		
1/2/2018	Postage		0.92
	Copying costs		11.50
	Total additional charges		$12.42
	Total amount of this bill		$4,800.82
	Previous balance		$8,054.70
	Accounts receivable transactions		
12/13/2017	Payment - Thank You. Check No. 1561		($8,054.70)
	Total payments and adjustments		($8,054.70)

	Amount
Balance due	$4,800.82

INVOICE

BRAUN INTERTEC
The Science You Build On.

PLEASE REMIT TO
Braun Intertec Corporation
NW 7644 PO Box 1450
Minneapolis, MN 55485

Telephone	(952) 995-2000
Fax	(952) 995-2020
Tax I.D.	41-1684205

Michael Gunsch
Houston Engineering, Inc.
3712 Lockport St
Bismarck, ND 58503

Date 12/8/2017
Invoice number B114592
Project ID B1603240
Customer account 11679
Customer PO

Hay Creek Pines Groundwater Study

Geotechnical Evaluation
Oak Drive and Forest Drive
Bismarck, ND 58503

For Professional Services rendered through 12/1/2017

4 - Sample 2 wells and 3 creek points and water levels		
4.1 - Field Work	$963.00	
4.2 - Expenses	$1,051.44	
4.3 - Reporting	$1,153.00	
		$3,167.44
	Total Fees	**$3,167.44**

Amount Previously Invoiced: $46,413.75
Amount Invoiced to Date: $49,581.19

Please pay from this invoice.
Terms: Due on receipt, 1 1/2% per month after 30 days, 18% annual percentage rate.

	Qty/Hours	Rate	Amount
4 - Sample 2 wells and 3 creek points and water levels			
4.1 - Field Work			
Consulting Services Detail			
Environmental Technician III	9.00	107.00	963.00
Total 4.1 - Field Work			**$963.00**
4.2 - Expenses			
Non-Salary Detail			
Sub-Bill: Pace Analytical - Water Chemistry	2.00	515.72	1,031.44
ENV Trip Charge	1.00	20.00	20.00
Total 4.2 - Expenses			**$1,051.44**
4.3 - Reporting			
Consulting Services Detail			
Environmental Technician III	9.00	107.00	963.00
Project Assistant	0.50	84.00	42.00
Project Manager	1.00	148.00	148.00
Total 4.3 - Reporting			**$1,153.00**
Total 4 - Sample 2 wells and 3 creek points and water levels			**$3,167.44**
Total Project			**$3,167.44**

BISMARCK PARKS AND RECREATION
400 East Front Avenue
Bismarck, ND 58504
701-222-6455
701-221-6838 (fax)

INVOICE

INVOICE NO: 4880
DATE: 1/5/2018

TO: Mona Livdahl
BCWRD
1811 E. Thayer Avenue
Bismarck, ND 58501

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL AMOUNT
	December 2017 McDowell Dam billing		$ 9,569.31
		TOTAL DUE:	$ 9,569.31

Make all checks payable to Bismarck Parks and Recreation.
If you have any additional questions concerning this invoice, call 222-6455.

THANK YOU!
Please return bottom portion with your payment

	Invoice No.	Amt. Due
Mona Livdahl BCWRD 1811 E. Thayer Avenue Bismarck, ND 58501	4880	$ 9,569.31

Mail payment to: Bismarck Parks & Recreation, 400 East Front Ave., Bismarck, ND 58504

BURLEIGH COUNTY WATER RESOURCE DISTRICT
McDowell Dam Monthly Billing

Bismarck Parks & Recreation District
400 E. Front Ave
Bismarck, ND 58504

For The Month Ended December 31, 2017

Date Submitted: 1/2/2018

Salaries & Wages	$	3,364.79
Employer Payroll Taxes		257.41
Employee Pension & Health/Life Benefits		1,334.96
Property & Liability Insurance		1,261.74
Operating Expenses		1,436.55
Capital Improvement Expenses		-
Total Expenses	$	7,655.45
Administrative Fee		
(25% of Operating Expenses)	$	1,913.86
(5% of Capital Improvement Expenses)		-
Total Amount Requested	$	9,569.31

Megan Pederson
Prepared By

Board Member

Accounting Specialist
Title

McDowell Dam Monthly Billing

December-17

Salaries & Wages			
Salaries - Full time		$ 3,323.54	
Accrued Sick and Annual Leave Pay		-	
Wages - Part time		41.25	
Wages - Part time (Overtime)		-	
Total Salaries & Wages			$ 3,364.79
Employer Payroll Taxes			
Social Security/Medicare		257.41	
Worker's Compensation - Paid Benefits		-	
Unemployment		-	
Total Employer Payroll Taxes			257.41
Employee Benefits			
Pension		345.65	
Job Service		-	
Health & Life Insurance		1,009.51	
Health & Life Insurance Adjustment-Mar/Apr	(1)	(20.20)	
Total Employee Benefits			1,334.96
Property & Liability Insurance			
General Liability		599.00	
Multi Coverage		275.74	
Auto Liability		387.00	
Total Property & Liability Insurance	(2)		1,261.74
Operating Expenses			
Sanitary Systems		56.00	
Miscellaneous Supplies		47.92	
Fuel		51.31	
Repairs & Replacement		398.23	
Credit Card Fees	(3)	62.43	
		615.89	
Utilities			
Electricity		429.25	
Garbage Removal		108.09	
Water		153.55	
Telephone		129.77	
Total Utilities		820.66	
Total Operating Expenses			1,436.55
Capital Improvements			
Building and Building Remodeling		-	-
Capital Equipment		-	
Total Capital Improvements			-
Total Expenses			$ 7,655.45

(1) - March & April billings included $20.20 more than the applicable allocation to McDowell Dam.

(2)-Insurance was paid by BPRD in January and included in detail but not included in amount billed to BCWRD

(3)-Credit card fees for September-December that were not included in billings to BCWRD

Bismarck Parks and Recreation District

Detail Report
Account Detail
Date Range: 12/01/2017 - 12/31/2017

Account	Name	Beginning Balance	Total Activity	Ending Balance
Fund: 01 - GENERAL FUND				
01.12.000.510100	FULL-TIME SALARIES	36,943.23	3,323.54	40,266.77

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
12/08/2017	PYPKT00158	PYPKT00158 - 2017-12		ROBINSON, DAVID H.:000415 - McDow			1,661.77	38,605.00
12/22/2017	PYPKT00163	PYPKT00163 - 2017-12		ROBINSON, DAVID H.:000415 - McDow			1,661.77	40,266.77

01.12.000.510200	PART-TIME SALARIES					43,069.28	41.25	43,110.53

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
12/22/2017	PYPKT00164	PYPKT00164 - 2017-12		BERG, BURNELL A.:000031 - Operations			41.25	43,110.53

01.12.000.520400	SANITARY SYSTEMS					793.00	56.00	849.00

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
12/15/2017	APPKT00443	SI-107699	192696	RENTAL PERIOD 11/05/17 - 12/02/17	0846 - SPIFFY BIFFS		56.00	849.00

01.12.000.530140	MISCELLANEOUS SUPPLIES					1,437.33	47.92	1,485.25

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
12/10/2017	APPKT00455	307325668417893	DFT0000215	SHELF, BRAKE FLUID	0948 - US BANK - ONE CARD		19.21	1,456.54
				Purchased From Vendor: 0964 - WALMART COMMUNITY BRC				
12/10/2017	APPKT00455	467317582091308	DFT0000215	SPILL CONTAINER	0948 - US BANK - ONE CARD		28.71	1,485.25
				Purchased From Vendor: 0964 - WALMART COMMUNITY BRC				

01.12.000.531300	FUEL					4,532.95	51.31	4,584.26

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
12/27/2017	APPKT00457	FLTS-17-0016	192804	NOVEMBER 2017 FUEL	0209 - CITY OF BISMARCK		51.31	4,584.26

Account	Name	Beginning Balance	Total Activity	Ending Balance
01.12.000.531400	REPAIRS & REPLACEMENT	20,983.11	398.23	21,381.34

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
12/10/2017	APPKT00455	130610	DFT0000215	TIRE GAUGE, CLIP, BOLTS, TAPE	0948 - US BANK - ONE CARD		24.92	21,008.03
			Purchased From Vendor: 0562 - MAC'S INC.					
12/10/2017	APPKT00455	2663	DFT0000215	SERVICE CALL	0948 - US BANK - ONE CARD		60.00	21,068.03
			Purchased From Vendor: 0419 - GUARDIAN LOCK & SAFE CO.					
12/10/2017	APPKT00455	4679641	DFT0000215	TRAILER JACK	0948 - US BANK - ONE CARD		83.98	21,152.01
			Purchased From Vendor: 0785 - RUNNINGS SUPPLY INC					
12/10/2017	APPKT00455	4689359	DFT0000215	BOLTS	0948 - US BANK - ONE CARD		2.53	21,154.54
			Purchased From Vendor: 0785 - RUNNINGS SUPPLY INC					
12/10/2017	APPKT00455	4690108	DFT0000215	SNOW BURSH, WINDSHIELD DE-ICER	0948 - US BANK - ONE CARD		11.17	21,165.71
			Purchased From Vendor: 0785 - RUNNINGS SUPPLY INC					
12/10/2017	APPKT00455	52539266	DFT0000215	WIRE	0948 - US BANK - ONE CARD		31.56	21,197.27
			Purchased From Vendor: 0714 - PRAXAIR DISTRIBUTION INC					
12/10/2017	APPKT00455	52556336	DFT0000215	WIRE	0948 - US BANK - ONE CARD		24.93	21,222.20
			Purchased From Vendor: 0714 - PRAXAIR DISTRIBUTION INC					
12/10/2017	APPKT00455	587319651253073	DFT0000215	SHOP PHONE, BATTERY CHARGER	0948 - US BANK - ONE CARD		104.79	21,326.99
			Purchased From Vendor: 0964 - WALMART COMMUNITY BRC					
12/10/2017	APPKT00455	63819037771	DFT0000215	TANK SPRAYER	0948 - US BANK - ONE CARD		14.99	21,341.98
			Purchased From Vendor: 0581 - MENARDS					
12/28/2017	APPKT00459	1536-374871	192854	WIRING, BRAKE LIGHT	0682 - O'REILLY AUTO PARTS		39.36	21,381.34

Account		Beginning Balance	Total Activity	Ending Balance
01.12.000.540130	ELECTRICITY	4,273.73	429.25	4,702.98

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
12/13/2017	APPKT00439	120617	192627	OCTOBER 2017 BILLING PERIOD	0175 - CAPITAL ELECTRIC COOPERATIVE		429.25	4,702.98

Account		Beginning Balance	Total Activity	Ending Balance
01.12.000.540140	GARBAGE	1,085.87	108.09	1,193.96

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
12/15/2017	APPKT00443	6478538-0506-5	192712	NOVEMBER 2017 TRASH COLLECTION	0968 - WASTE MANAGEMENT OF ND		108.09	1,193.96

Account		Beginning Balance	Total Activity	Ending Balance
01.12.000.540150	WATER	2,669.40	153.55	2,822.95

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
12/28/2017	APPKT00459	122117	192953	NOVEMBER 2017 BILLING	0837 - SOUTH CENTRAL REGIONAL WATER		153.55	2,822.95

Account	Name	Beginning Balance	Total Activity	Ending Balance
01.12.000.540160	TELEPHONE	1,270.58	129.77	1,400.35

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
12/10/2017	APPKT00455	110117	DFT0000215	NOVEMBER 2017 PHONE, INTERNET	0948 - US BANK - ONE CARD		123.77	1,394.35
			Purchased From Vendor: 0087 - BEK COMMUNICATIONS					
12/11/2017	APPKT00437	112817	192618	BILLING PERIOD 10/28/17 - 11/27/17	0202 - CENTURYLINK		6.00	1,400.35

Account	Name	Beginning Balance	Total Activity	Ending Balance
01.12.000.550100	HEALTH INSURANCE	10,632.69	1,009.51	11,642.20

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
12/27/2017	APPKT00457	EINS-17-0111	192804	DECEMBER 2017 HEALTH BENEFITS	0209 - CITY OF BISMARCK		1,009.51	11,642.20

Total Fund: 01 - GENERAL FUND:	Beginning Balance: 127,691.17	Total Activity: 5,748.42	Ending Balance: 133,439.59
Grand Totals:	Beginning Balance: 127,691.17	Total Activity: 5,748.42	Ending Balance: 133,439.59

Date Range: 12/01/2017 - 12/31/2017

Fund Summary

Fund		Beginning Balance	Total Activity	Ending Balance
01 - GENERAL FUND		127,691.17	5,748.42	133,439.59
	Grand Total:	127,691.17	5,748.42	133,439.59

BURLEIGH COUNTY WATER RESOURCE DISTRICT
McDowell Dam Monthly Billing

Bismarck Parks & Recreation District
400 E. Front Ave
Bismarck, ND 58504

For The Month Ended January 31, 2017

Date Submitted: 2/4/2017

Salaries & Wages	$	2,762.69
Employer Payroll Taxes		211.35
Employee Pension & Health/Life Benefits		1,125.81
Operating Expenses		2,469.07
Capital Improvement Expenses		-
Total Expenses	$	6,568.92
Administrative Fee		
(25% of Operating Expenses)	$	1,642.23
(5% of Capital Improvement Expenses)		-
Total Amount Requested	$	8,211.15

Kathy Fust
Prepared By

Board Member

Finance Director
Title

McDowell Dam Monthly Billing

January-17

Salaries & Wages		
Salaries - Full time	$ 2,762.69	
Accrued Sick and Annual Leave Pay	-	
Wages - Part time	-	
Wages - Part time (Overtime)		
Total Salaries & Wages		$ 2,762.69
Employer Payroll Taxes		
Social Security/Medicare	211.35	
Worker's Compensation - Paid Benefits	-	
Unemployment	-	
Total Employer Payroll Taxes		211.35
Employee Benefits		
Pension	287.32	
Job Service	-	
Health & Life Insurance	838.49	
Total Employee Benefits		1,125.81
Property & Liability Insurance		
General Liability	599.00	
Multi Coverage	275.74	
Auto Liability	387.00	
Total Property & Liability Insurance		1,261.74
Operating Expenses		
Sanitary Systems	36.00	
Miscellaneous Supplies	-	
Fuel	1,262.11	
Repairs & Replacement	471.85	
	1,769.96	
Utilities		
Electricity	465.91	
Garbage Removal	107.95	
Water	-	
Telephone	125.25	
Total Utilities	699.11	
Total Operating Expenses		2,469.07
Capital Improvements		
Building and Building Remodeling	-	-
Capital Equipment	-	
Total Capital Improvements		-
Total Expenses		$ 7,830.66

Bismarck Parks and Recreation District

Detail Report
Account Detail
Date Range: 01/01/2017 - 01/31/2017

Account	Name	Beginning Balance	Total Activity	Ending Balance
Fund: 01 - GENERAL FUND				
01.12.000.551400	GENERAL LIABILITY INSURANCE	0.00	599.00	599.00

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
01/26/2017	APPKT00025	7725	189202	GENERAL LIABILTY INSURANCE	0071 - BAIN AGENCY INC.		599.00	599.00

01.12.000.551500 MULTI COVERAGE LIABILITY	0.00	275.74	275.74

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
01/26/2017	APPKT00025	7724	189202	MULTI-COVERAGE LIABILTY INSURANCE	0071 - BAIN AGENCY INC.		275.74	275.74

01.12.000.551600 AUTO LIABILITY	0.00	387.00	387.00

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
01/26/2017	APPKT00025	7721	189202	AUTO INSURANCE	0071 - BAIN AGENCY INC.		387.00	387.00

Total Fund: 01 - GENERAL FUND:	Beginning Balance: 0.00	Total Activity: 1,261.74	Ending Balance: 1,261.74
Grand Totals:	Beginning Balance: 0.00	Total Activity: 1,261.74	Ending Balance: 1,261.74

Dakota Prairies RC&D Council
919 S. Seventh St., Suite 310
Bismarck, ND 58504
701-226-8409
dakotaprairiesrcd@gmail.com

Invoice

Invoice #: 121
Invoice Date: 1/17/2018
Due Date: 2/16/2018
Project:
P.O. Number:

Bill To:

Burleigh Co. Water Resource District
Mona Livdahl
1811 E. Thayer Ave.
Bismarck, ND 58501

Date	Description	Amount
1/17/2018	2018 associate membership dues for Dakota Prairies Resource Conservation & Development Council Rod Beck is you current appointed representative. Please note any necessary changes to your appointed representative or contact information. Thank you for your continued support!	100.00

Please make checks payable to Dakota Prairies RC&D and remit to above address. Thank you!

Total	$100.00
Payments/Credits	$0.00
Balance Due	$100.00

Dakota Prairies Resource Conservation & Development

919 S. Seventh St., Suite 310
Bismarck ND 58504
Phone: 701-226-8409
Web site: www.ndrcd.org
Email: dakotaprairiesrcd@gmail.com

Jan. 17, 2018

Thank you for your continued membership in Dakota Prairies RC&D Council, whose function is to help rural areas within a 10-county region of North Dakota. As a member of Dakota Prairies, you have representation on the Dakota Prairies RC&D Council to guide the organization and assisting our rural areas.

During 2017, Dakota Prairies RC&D administered a North Dakota Department of Health grant for water quality projects. This 319 grant project, Water Wisdom, has been helping to fund your local and county-wide water quality-related training and education events. The grant has also funded two regional soil health workshops and a major grazing workshop that featured national grasslands leader Allan Savory. Dakota Prairies RC&D Council has been granted a six-month extension to Dec. 31, 2018, on this Water Wisdom three-year grant. We currently have almost $19,000 remaining to help with your local training and education events/projects that involve water quality issues.

During 2017 we also worked with the Burleigh County Soil Conservation District (SCD) and the Sioux County Commission/Extension Service on two major projects. The first is the Menoken Farm project, Burleigh County SCD's soil health demonstration site east of Bismarck. Burleigh County SCD receives a 319 water quality grant, which helps fund the farm work and educational programs held at Menoken Farm. The second is applying for and administering a Specialty Crop Block Grant through the North Dakota Department of Agriculture. This funding allows the Sioux County Commission/Extension Service to provide fresh local produce to members of the Standing Rock Reservation. These projects continue during 2018.

New work during 2017 and continuing throughout 2018 is assisting Burleigh County SCD expand its educational programming at Menoken Farm. A special grant through NRCS of North Dakota is being used to add 32 new and innovative resource events to help educate SCD and NRCS staff and directors and the general public. Dakota Prairies RC&D is providing services to this project, "Healing the Land."

Through your renewed membership, Dakota Prairies will continue to provide services to these important projects that strengthen our rural areas. Enclosed is an invoice for your 2018 membership dues. Membership dues are the same as 2017 and are based on county populations as follows: Up to 5,000, $300; 5001 to $15,000, $400; 15,001 to 25,000, $600; 25,001 to 40,000, $900; and more than 40,000, $1,200.

I look forward to working with you and the other members of the Dakota Prairies RC&D Council in 2018. Call me at 701-226-8409 or e-mail me at dakotaprairiesrcd@gmail.com with any questions.

Sincerely,

Susan

Susan L. Davis
Executive Director

The Programs and Services of Dakota Prairies RC&D are Provided on An Equal Opportunity Basis.

BURLEIGH COUNTY WATER RESOURCE DISTRICT

1811 E. Thayer Avenue, Bismarck, ND 58501

Claimants Name: Greg Lason — Position: Manager

Claimants Address: 2525 Larson Road, Bismarck, ND 58504 — Date Rendered:

Item	Date	Materials Provided or Services Rendered	Hours	Mileage	Misc	Per Diem	Total
1	10/05	Phone meetings and personal visits Fox Island	2				90.00
2	10/09	Meeting Prep.				135.	135.00
3	10/11	Monthly Board Meeting				135.	135.00
4	10/30	Prep for meetings and phone calls	1				45.00
5	10/31	Meetings at Huston Engineering	3				135.00
6	11/7	Meeting Prep				135	135.00
7	11/8	Regular Monthly Board Meeting & Exec.				135	135.00
8	11/15	Meeting with Huston Engineers	2				90.00
9	11/17	Follow up to phones and Fox Island proposal	1				45.00
10	11/20	Meeting prep and Burleigh County Commission Meeting	3				135.00
11	11/21	Phone calls and discussion of Commission Meeting	2				90.00
12	12/6-9	Combined Water Meetings	3 days				540.00
13	12/12	Meeting Prep				135	135.00
14	12/13	Regular Monthly Board Meeting				135	135.00
15	12/18	Burleigh County Commission Meeting & phones	2				90.00
16	12/22	Hay Creek Pines Meeting and subsequent follow up	3				135.00
17	12/23	Purchase of Samsung Pad.					848.19
			Total Hours	Total Miles	Total Misc		3053.19
			0	0	0		
			$ -	$ -			$3053.19 -

I DO HEREBY CERTIFY THAT THE WITHIN BILL, CLAIM, ACCOUNT OR DEMAND IS JUST AND TRUE; THAT THE MONEY HEREIN CHARGED WAS ACTUALLY PAID FOR THE PURPOSE HEREIN STATED; THAT THE SERVICES HEREIN CHARGED WERE ACTUALLY RENDERED AND OF THE VALUE THEREIN CHARGED, AND THAT NO PART OF SUCH BILL, CLAIM, ACCOUNT, OR DEMAND HAS BEEN PAID, AND THAT THE GOODS HEREIN CHARGED WERE ACTUALLY DELIVERED AND WERE OF THE VALUE CHARGED.

I CERTIFY THAT THE ABOVE CLAIM IS CORRECT AND THAT THE GOODS WERE RECEIVED OR SERVICES PERFORMED.

12/27/12

Board Member

Sign Here

Firm or Company

Welcome to Best Buy #1012
1207 W CENTURY AVE
BISMARCK, ND 58503
(701) 250-0577

Vat #:000163-383287-616862-850882-161144-039

1012 064 5039 12/27/17 11:23

5754701	EJ-FT820USE	64.99
SAMSUNG TAB S3 KEYBOARD COVER - GRAY		
129.99	Was Price	
65.00-	Sale Discount	
Sales Tax	4.22	
5749903	SM-T820NZKA	599.99
SAMSUNG GALAXY TAB S3 9.7 - BLACK		
Sales Tax	39.00	
5819000	2YR ADH 500	139.99
2YR ADH 500-599.99 TABLET GSP		
GSP#	5959641900	
SKU#	5749903	
Sales Tax	0.00	
	Subtotal	804.97
	Sales Tax	43.22
	Total	848.19

**********0015 ChipRead USD$ 848.19
AMERICAN EXPRESS - AMEX
LARSON/GREGORY
Approval 888990

MODE Issuer
AID: A0000000025010801

Other Savings: 65.00
Total Savings: 65.00

My Best Buy
Member ID 2199230848

****
Terms & Conditions for the service plan(s)
you've purchased are available at
www.bestbuy.com/servicestermsconditions
****
the terms & conditions for the plan(s)

BURLEIGH COUNTY WATER RESOURCE DISTRICT

1811 E. Thayer Avenue, Bismarck, ND 58501

Claimants Name: Dennis W. Reep Position: Vice-Chairman

Claimants Address: 2213 East Ave F, Bismarck, ND 58501 Date Rendered: 31-Dec-17

Item	Date	Materials Provided or Services Rendered	Hours	Mileage	Misc	Per Diem	Total
1	10/11/2017	Burleigh Co WRD Meeting, ND WRD Meeting	3				0
2	10/24/2017	Hay Creek Executive Board Meeting	2				
3	11/8/2017	Burleigh Co WRD Meeting	3				
4	11/14/2017	Hay Creek Pines FOIA Request	2				
5	12/6/2017	ND Water Users Convention Registration			200		
6	12/1/2017	Burleigh/Bismarck/FEMA Flood Risk Meeting	2				
7	12/5/2017	ND Water Resource District Board Mtg	1				
8	12/6/2017	Water Users Convention	3				
9	12/7/2017	Water Users Convention	3				
10	12/8/2017	ND Water Users Board Meeting	1				
11	12/13/2017	Burleigh Co WRD Meeting	3				
12							
13							
14							
15							
16							
17							
18							
19							
20							
			Total Hours	Total Miles	Total Misc	Total Per Diem	
			23	0	200	0	
			$ 1,035.00	$ -	$ 200.00	$ -	$ 1,235.00

I DO HEREBY CERTIFY THAT THE WITHIN BILL, CLAIM, ACCOUNT OR DEMAND IS JUST AND TRUE; THAT THE MONEY HEREIN CHARGED WAS ACTUALLY PAID FOR THE PURPOSE HEREIN STATED; THAT THE SERVICES HEREIN CHARGED WERE ACTUALLY RENDERED AND OF THE VALUE THEREIN CHARGED, AND THAT NO PART OF SUCH BILL, CLAIM, ACCOUNT, OR DEMAND HAS BEEN PAID, AND THAT THE GOODS HEREIN CHARGED WERE ACTUALLY DELIVERED AND WERE OF THE VALUE CHARGED.

I CERTIFY THAT THE ABOVE CLAIM IS CORRECT AND THAT THE GOODS WERE RECEIVED OR SERVICES PERFORMED.

Dennis W. Reep

Vice-Chairman

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BURLEIGH COUNTY WATER RESOURCE DISTRICT

1811 E. Thayer Avenue, Bismarck, ND 58501

Claimants Name:	James Landenberger	Position:	Board Member
Claimants Address:	5012 Driftwood Lane, Bismarck ND 58503	Date Rendered:	12/29/17

Item	Date	Materials Provided or Services Rendered	Hours	Mileage	Misc	Per Diem	Total
1	10/11/17	BCWRD Monthly Board Meeting	3				$135
2	10/24/17	BCWRD Executive Session Board Meeting – Dave Bliss's office	1				$45
3	10/25/17	BCWRD Meeting with Bis Parks and Rec	1				$45
4	11/8/17	BCWRD Monthly Board Meeting	3				$135
5	11/14/17	BCWRD Meeting w/ ND SWC on McDowell Dam Water Permit	1				$45
6	12/4/17	BCWRD Meeting at Dave Bliss's office	1				$45
7	12/12/17	Numerous discussions and emails with Bis Parks and Rec	1				$45
8	12/13/17	BCWRD Monthly Board Meeting	3				$135
9	12/28/17	BCWRD Asset Tags for McDowell Dam			$289.23		$289.23
			Total Hours	Total Miles	Total Misc		
			14	0	$289.23		
			14	$ -			$ 919.23

I DO HEREBY CERTIFY THAT THE WITHIN BILL, CLAIM, ACCOUNT OR DEMAND IS JUST AND TRUE; THAT THE MONEY HEREIN CHARGED WAS ACTUALLY PAID FOR THE PURPOSE HEREIN STATED; THAT THE SERVICES HEREIN CHARGED WERE ACTUALLY RENDERED AND OF THE VALUE THEREIN CHARGED, AND THAT NO PART OF SUCH BILL, CLAIM, ACCOUNT, OR DEMAND HAS BEEN PAID, AND THAT THE GOODS HEREIN CHARGED WERE ACTUALLY DELIVERED AND WERE OF THE VALUE CHARGED.

I CERTIFY THAT THE ABOVE CLAIM IS CORRECT AND THAT THE GOODS WERE RECEIVED OR SERVICES PERFORMED.

James Landenberger

Sign Here

James Landenberger

Board Member

Firm or Company

300 Cadman Plaza West, Suite 1303, Brooklyn, NY 11201

Questions? Call (888) 343 3729

Invoice

Bill To

James Landenberger
Mr.
5012 DRIFTWOOD LN
BISMARCK, ND 58503 8882
Phone: 701 426 6439
Email: james.landenberger@bartwest.com

Ship To

James Landenberger
3456 E CENTURY AVE
BISMARCK, ND 58503 0737
Phone: 701 426 6439

Order No.: MAT-113463	Date: December 28, 2017	Ship by: UPS 2nd Day	PO Number: Asset Tags for BCWRD
CC: VisaCard	Name: James Landenberger	Card # **********3538	Expiry: 11/21

	Item Description	Unit Price	Qty.	Amount
1.	AlumiGuard™ Metal Asset Tags (Matte) - ¾" x 1½" Size: 0.75" x 1.5" Part #: AT-3041R-B • HTC Code: 4821.10.00.00	$289.23/Pack Package: 100 Tags/Pack	1 Pack	$289.23
	Adders: + 3M 467MP Adhesive	$ 0.00/Pack	1	$ 0.00
			Item Total :	**$289.23**
2.	Free Vinyl Squeegee Card for Asset Tags Size: 0.75" x 1.5" Part #: AT-SQUEEGEE-LC-Free •	$0.00/ Package:	1	$0.00
			Product Subtotal :	$289.23
			Shipping Charges :	Free
			Order Total :	**$289.23**

Please make checks payable to **SmartSign.**

Print Page Close Window

BURLEIGH COUNTY WATER RESOURCE DISTRICT

1720 Burnt Boat Drive Suite 205 Bismarck ND 58503

Claimants Name: Rick Detwiller

Position: Member - Treasurer

Claimants Address: 1900 Harbor Dr. Bismarck ND 58504

Date Rendered: 12-28-17

Item	Date	Materials Provided or Services Rendered	Hours	Mileage	Misc	Per Diem	Total
	10/11/17	Monthly Meeting					$135
	10/31/17	Treasurers adjustment 0.5 X month					$67.50
	10/24/17	Executive Meeting / Session – Bliss Law Office	2 Hr				$90
	11/08/17	Monthly Meeting					$135
	11/30/17	Treasurers adjustment 0.5 X month					$67.50
	12/13/17	Monthly Meeting					$135
	12/31/17	Treasurers adjustment 0.5 X month					$67.50
			Total Hours	Total Miles	Total Misc		
			0	0	0		
			$ -	$ -			$ 697.50

I DO HEREBY CERTIFY THAT THE WITHIN BILL, CLAIM, ACCOUNT OR DEMAND IS JUST AND TRUE; THAT THE MONEY HEREIN CHARGED WAS ACTUALLY PAID FOR THE PURPOSE HEREIN STATED; THAT THE SERVICES HEREIN CHARGED WERE ACTUALLY RENDERED AND OF THE VALUE THEREIN CHARGED, AND THAT NO PART OF SUCH BILL, CLAIM, ACCOUNT, OR DEMAND HAS BEEN PAID, AND THAT THE GOODS HEREIN CHARGED WERE ACTUALLY DELIVERED AND WERE OF THE VALUE CHARGED.

I CERTIFY THAT THE ABOVE CLAIM IS CORRECT AND THAT THE GOODS WERE RECEIVED OR SERVICES PERFORMED.

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Board Member

Firm or Company

BURLEIGH COUNTY WATER RESOURCE DISTRICT sheet 1

1811 E. Thayer Avenue, Bismarck, ND 58501

aimants
ame: Rodney Beck
aimants
idress: 1983 Billings Dr Bismarck ND

Position: Manager
Date Rendered:

m	Date	Materials Provided or Services Rendered	Hours	Mileage	Misc	Per Diem	Total
	10/2	Discussion Peterka - Pines Mike	1				45 0
		Reviewed Summary meeting 29th [illegible]					
	10/2&3	Several discussing with Bliss	1				45
		regarding Pines					
	10/11	Board Meeting Oct					135
	10/16	Discussion Pines with Gunch					
		& Bliss	1				45
	10/20	Discussion Bliss & Gunch Pines	1				45
	10/24	Special meeting					135
	10/29	Reg NDWUA			200		
	11/1	3 calls from Alton - 1 mike - 1 Greg	1				45
	11/8	Board Meeting					135
	11/9	Meeting David Bliss preparing	1.5				67 50
		letters etc Nitchke					
	11/9	Thumb drive to down load e-mail			5.31		
		Nitchke/Bukke request					
	11/11	Email Transfer Nitchke	2				90
	11/12	E-mail Transfer Nitchke	2				90
	11/13	Completed Email & Delivered to Mona	2				90
	11/28	Mike G & Went over testing results	1				45
		from Braun Int. - Hay Buck Pines					
	12/4	Meeting Mike G. David B. on agenda	1				45
		executive board meeting Nitchke Sent					
	12/6	Water Board Users Manual			30		
	12/6	Attended ND Water Conf					135
			Total Hours	Total Miles	Total Misc		
			0	0	0		
			$ -	$ -	235 31		$1192 50

se over

) HEREBY CERTIFY THAT THE WITHIN BILL, CLAIM, ACCOUNT OR DEMAND IS JUST AND TRUE; THAT THE MONEY HEREIN CHARGED WAS ACTUALLY PAID FOR THE PURPOSE
IEIN STATED; THAT THE SERVICES HEREIN CHARGED WERE ACTUALLY RENDERED AND OF THE VALUE THEREIN CHARGED, AND THAT NO PART OF SUCH BILL, CLAIM,
:OUNT, OR DEMAND HAS BEEN PAID, AND THAT THE GOODS HEREIN CHARGED WERE ACTUALLY DELIVERED AND WERE OF THE VALUE CHARGED.

RTIFY THAT THE ABOVE CLAIM IS CORRECT AND THAT THE GOODS WERE RECEIVED OR SERVICES
FORMED.

Rodney Beck
Board Member

Rodney Beck
Sign Here

Firm or Company

BURLEIGH COUNTY WATER RESOURCE DISTRICT

sheet 2

1811 E. Thayer Avenue, Bismarck, ND 58501

Claimants Name: Rodney Beck

Position: Manager

Claimants Address: 1983 Billings Dr Bismarck ND 58504

Date Rendered:

m	Date	Materials Provided or Services Rendered	Hours	Mileage	Misc	Per Diem	Total
	12/7	Attended ND Water Conf					135.00
	12/8	Discussions David B, E Mike G. regards	1				45.00
		Letter Health Department Pine's Ditches					
	12/13	Board Meeting					135.00
	12/22	Meeting with Maydeck Pines Committee	2				90.00
	12/11	Meeting Health Dept on letter	1.5				67.50
	12/23	Reviewed Bobko report with Mike Dave	1				45.00
	12/24	Purchased new IPad Pros			867.62		
			Total Hours	Total Miles	Total Misc		
			0	0	0		517.50
			$ -	$ -	1107.93		$1710.00

I HEREBY CERTIFY THAT THE WITHIN BILL, CLAIM, ACCOUNT OR DEMAND IS JUST AND TRUE; THAT THE MONEY HEREIN CHARGED WAS ACTUALLY PAID FOR THE PURPOSE HEREIN STATED; THAT THE SERVICES HEREIN CHARGED WERE ACTUALLY RENDERED AND OF THE VALUE THEREIN CHARGED, AND THAT NO PART OF SUCH BILL, CLAIM, ACCOUNT, OR DEMAND HAS BEEN PAID, AND THAT THE GOODS HEREIN CHARGED WERE ACTUALLY DELIVERED AND WERE OF THE VALUE CHARGED.

CERTIFY THAT THE ABOVE CLAIM IS CORRECT AND THAT THE GOODS WERE RECEIVED OR SERVICES PERFORMED.

Rodney Beck

Board Member

Rodney Beck

Sign Here

Firm or Company

54th Annual

Joint North Dakota Water Convention and Irrigation Workshop

Best Western Ramkota Hotel, Bismarck
December 6-7, 2017

ADVANCE REGISTRATION FORM

Name(s) Rodney Beck

Representing Burleigh County Water Reserve Dist E-mail mrbeck54@bismarck.net

Address 1983 Billings Drive

City Bismarck State N.D. Zip 58504 Phone (701) 220-5313

Please indicate the number attending for each event:	#	Cost	Total
Full Registration includes convention program, Irrigation Workshop plus **ALL MEALS**, speakers, panels, entertainment, social hours and breaks	1	$ 200.00	$ 200
Full Registration after Dec. 1		$ 225.00	$
Registration Only includes convention program/Irrigation Workshop plus speakers, panels, entertainment, social hours and breaks-**DOES NOT INCLUDE MEALS**		$ 125.00	$
Registration Only after Dec. 1		$ 150.00	$
Extra meal tickets may be purchased:			
Opening Luncheon (Dec. 6)		$ 20.00	$
Western Party (Dec. 6)		$ 25.00	$
Prayer Breakfast (Dec. 7)		$ 10.00	$
Buffet Luncheon (Dec. 7)		$ 15.00	$
Awards Banquet (Dec. 7)		$ 30.00	$
		Totals	$ 200.00

Irrigation Workshop Only

Irrigation Workshop, Dec. 7 (includes lunch) $ 30.00 $

Name

Send completed form and check to:

North Dakota Water Users Association
PO Box 2254, Bismarck, ND 58502
Fax: 701-223-4645 Phone: 701-223-4615
E-mail: jellingson@ndwater.net

Cancellation Policy: When you register for the convention, we make arrangements for your arrival. In the unlikely event you have cancel your registration, the following cancellation policy will be applied. By registering to attend the event, you are complying wi the cancellation policy. A **$40 administrative fee** will be charged on all refund requests for registration and meals, on or before **D 1.** There will be no refunds for cancellations received after **Dec. 1.**

Hotel Reservations: A block of rooms has been reserved for Dec. 5-8 at the Ramkota Hotel. Reserve your room(s) by calling 701 258-7700 ($99 per night, N.D. Water Convention block), by **Nov. 17.**

An overflow block of rooms has also been reserved at the Expressway Inn (701-222-2900) for $79.95 per night and Expressway S

Welcome to Best Buy #1012
1207 W CENTURY AVE
BISMARCK, ND 58503
(701) 250-0577

Val #:000147-669781-624635-154476-894700-473

1012 001 1479 11/09/17 11:58

9226875 SDCZ60-016G 4.99
16GB CRUZER GLIDE USB
17.99 Was Price
13.00- Sale Discount
Sales Tax 0.32

Subtotal 4.99
Sales Tax 0.32

Total 5.31

CASH 10.31
CHANGE CASH 5.00

Other Savings 13.00
Total Savings: 13.00

Devices that can be activated and cell phones have a 14-day return policy for all customers
15-day return period on almost everything else

Restocking fee applies on select items

Purchases made between Oct 29, 2017 and Dec. 30, 2017 qualify for our Holiday Returns and Exchange promise and most purchases may be returned through Jan 14, 2018

A valid receipt is required for all returns. Except where prohibited, we may request an ID. ID info may be stored in a secure, encrypted database used for tracking returns and exchanges

Returned items missing accessories are subject to a missing part fee. Best Buy reserves the right to deny any return.

For return policy details and a complete list of exceptions, ask for a policy brochure or go to www.BestBuy.com/Returns.

To learn about our privacy practices please visit www.BestBuy.com/privacy.

Your Customer Service PIN is:
1012 001 1479 110917

RECEIPT

DATE 12-8-17 No. 438853

RECEIVED FROM Rodney Beck $ 30.00

DOLLARS

FOR RENT
FOR ND Water Managers Handbook

ACCOUNT	
PAYMENT	30 .00
BAL. DUE	

CASH
MONEY ORDER
CHECK
CREDIT CARD

FROM TO

BY

1182

Welcome to Best Buy #1012
1207 W CENTURY AVE
BISMARCK, ND 58503
(701) 250-0577

Val #:000163-649631-158814-914796-600557-126

1012 070 2470 12/29/17 13:26

9093027 MQDT2LL/A 649.99
10.5 IPAD PRO WIFI 64GB SPACE GRAY
Serial # SDMPVNKVAJ28K
Sales Tax 42.25
8292484 DATA TRANSF 9.99
BBM - DATA TRANSFER SERVIE
Energy Star
Sales Tax 0.00
5822276 MPTL2LL/A 159.99
IPAD PRO 10.5 SMART KEYBOARD
Sales Tax 10.40

Subtotal 819.97
Sales Tax 52.65

Total 872.62

**********2097 ChipRead USD$ 872.62
Visa Credit - VISA
BECK/RODNEY L
Approval 178316

MODE: Issuer
AID: A0000000031010

My Best Buy
Member ID 4441907836

54th Annual Joint

RECEIPT

From Burleigh County WRD

Two hundred and no/100

For Rodney Beck – Full Registration

$200