

PEMBINA COUNTY
WATER RESOURCE DISTRICT

308 Courthouse Drive #5
Cavalier, North Dakota 58220

Phone: 701-265-4511

Fax: 701-265-4165

TILE DRAINAGE CHECKLIST

1. TILE DRAIN PERMIT FEE OF \$650.00 DEPOSITED AT PEMBINA COUNTY WATER RESOURCE DISTRICT

2. OBTAIN NECESSARY PERMITS/EASEMENTS

- Farm Service Agency Office Form AD1026
Form will go to NRCS for wetland determination
- Pembina County Permit – if over 80 acres
Cubic Ft/sec – Acres X 7 gal/min divided 60 seconds divided by 7.48 cu ft water
- Notification of downstream landowners for a distance of one mile – this
must be done by certified mailings using attached form
- Contact County or township if crossing a road with drain tile or
discharging into a ditch – written agreement needed.

3. Other documentation needed

- Tile goes across neighbor's land – easement involved
- Electrical service completed for the pump
- Outlet ditch needs to be cleaned or deepened
- Have NRCS flag any wetlands or tell us setback distances

APPLICATION TO INSTALL A SUBSURFACE DRAIN

Version 4/11

I, the undersigned, am applying for a permit to install a subsurface drain system on an area comprising 80 acres or more as required under NDCC 61-32

Date _____
Received Stamp _____
Location _____

(OSE USE ONLY) No. _____

(WRD USE ONLY) No. _____

This application must be accompanied by FSA aerial photo or equivalent showing the location of the proposed drain tile.

- (1) Water Resource District in which project is located: _____
- (2) Legal description of land to be tiled: _____ ¼ _____ ¼ Section _____ Township _____ Range _____
_____ ¼ _____ ¼ Section _____ Township _____ Range _____
Legal description /location outlet: _____ ¼ _____ ¼ Section _____ Township _____ Range _____
_____ ¼ _____ ¼ Section _____ Township _____ Range _____
- (3) Design Data:
- (a) Type of outlet (gravity, pump, other): _____
- (b) Design capacity of tile system (inches/day): _____ Outlet flow capacity: _____ cfs gpm
Land area to be tiled (acres): _____
- (c) Where does tile system discharge: road ditch , private drain , assessment drain , natural waterway
Other : _____
- (d) If discharging into road ditch include approval document from appropriate Federal, State, County, or Township road authority.
- (4) Do you own land to be tiled? Yes No If "No", give name and address of landowner: _____

- (5) Do you own location where tile system outlets? Yes No
- (6) Have downstream landowners been notified Yes No Date of notice: _____
Before the Water Resource District will process a tile drain application, all downstream landowners for a distance of 1 mile from project outlet must have received 30 days notice by certified mail.
- (7) Contractor if known: _____
- (8) Anticipated construction start date: _____ Completion date: _____

APPLICANT'S CERTIFICATION

I understand that I must undertake and agree to pay the expense incurred in making an investigation. If the investigation discloses that the quantity of water to be drained will flood or adversely affect downstream lands, I may be required to obtain flowage easements and must file the easements in the office of the county recorder before a permit may be issued. My signature below acknowledges that I have read and agree to these statements, and will adhere to the conditions given on the back of this application.

Land Owner (Print): _____

Address: _____

Phone: _____

Signature: _____ Date: _____

The filing of this application and its approval does not relieve the applicant and/or landowner(s) from any responsibility or liability for damages resulting from the construction, operation or failure of this drain.

FOR USE BY WATER RESOURCE DISTRICT AND STATE ENGINEER

If this application **does not involve** drainage of statewide significance, approval by the Water Resource District Board constitutes a permit to drain. If this application **does involve** drainage of statewide significance, approval by both the Water Resource District Board and the State Engineer must be given to constitute a permit to drain.

This application:

- does involve drainage of state-wide significance
- does not involve drainage of state-wide significance

The Water Resource District Board has investigated according to NDAC Section 89-02-01-09.2.

This application is hereby:

Denied

Signature: _____
Chairman or Secretary of Water Resource District Board

Approved

Date: _____

- (1) The project and the rights granted under the permit are subject to modification to protect the public health, safety, and welfare.
- (2) Construction must be completed within two years from the date of final approval.
- (3) Additional conditions may include permission from roadway authorities, other permits, erosion protection, landowner consent if applicant is a tenant, operation restrictions under flood conditions, and other appropriate conditions attached by the water resource district.

This application involving drainage of state-wide is:

Denied

Signature: _____
State Engineer

Approved

Date: _____

CONDITIONS:

- (1) The project and the rights granted under the permit are subject to modification to protect the public health, safety, and welfare.
- (2) Construction must be completed within two years from the date of final approval.
- (3) See additional conditions attached by the State Engineer.

Mail to: Water Resource District in which the project is located.

**PEMBINA COUNTY WATER RESOURCE DISTRICT
RESOLUTION OF POLICY REGARDING DRAINAGE PERMIT FEES**

WHEREAS, the Pembina County Water Resource District (the "District") is a North Dakota water resource district and political subdivision under N.D. Cent. Code Chapter 61-16.1.

WHEREAS, in accordance with Chapter 61-32 of the North Dakota Century Code, the District must consider, process, and approve or deny drainage permits, including subsurface or "tile" drainage permits.

WHEREAS, all permit applications, both surface and subsurface applications, require the District to conduct certain investigations and reviews before the District can make a final decision on a permit application, including land ownership, watershed impacted, impacts to downstream landowners, and other items, all in accordance with N.D. Cent. Code §§ 61-32-03 and 61-32-03.1, and Chapter 89-02-01 of the North Dakota Administrative Code.

WHEREAS, water resource districts' budgets are composed of those dollars generated by a maximum four mill levy, which typically does not generate substantial general fund dollars for water resource districts.

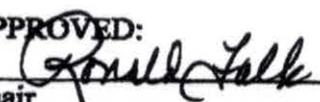
WHEREAS, water resource districts, including the District, must pay for the costs of conducting investigations and reviews of drainage permit applications, including applications for subsurface drainage projects, out of their general funds, and use of limited general fund dollars minimizes water resource districts' ability to construct other projects or to perform other tasks to benefit members of their districts.

WHEREAS, in light of the financial difficulties the District has encountered as a result of investigating, reviewing, and processing multiple drainage permit applications, including several applications for subsurface drainage permits, the District has concluded it is necessary to adopt a formal policy regarding the expenses associated with applications.

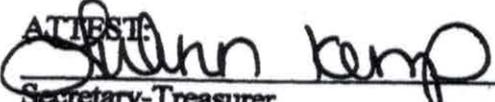
NOW THEREFORE BE IT RESOLVED that the terms contained in this RESOLUTION OF POLICY represent the District's official policy regarding drainage permit application fees.

BE IT FURTHER RESOLVED that each applicant submitting an *Application to Install a Subsurface Drain* will deposit \$650 with the District for the costs of all legal and engineering fees, and other actual costs, as well as any costs over and above \$650 incurred by the District prior to taking final action and making a final decision regarding an *Application to Install a Subsurface Drain*.

APPROVED:


Chair

ATTEST


Secretary-Treasurer

Date Approved: May 1, 2012

Tile Drain Restrictions:

1. Outlet design must be approved by the Pembina County Water Resource District
 - a. Outlet shall include adequate erosion control methods to prevent damage
 - b. Outlet must have a control structure that is capable of completely shutting off flow from the tile system during high water events.
2. Permit holder agrees to be bound by the decisions of the Pembina County Water Resource Board and will, upon request of and notice by the Pembina County Water Resource Board, seal the outlet
3. Any outlet work to be completed within the Right of way of a Pembina County Legal Assessment Drain must be done by a licensed and insured contractor. Proof of license and insurance must be filed with the Pembina County Water Resource District office prior to any work being completed.
4. Applicant must fully comply with all requirements as stated in the tile permit application
5. If an investigation is required under section 62-32-03.1, the applicant will be required to pay any and all actual costs over \$650 for legal and engineering fees incurred by the district prior to taking final action and making a final decision.
6. Any and all additional maintenance required within the outlet ditch directly related to discharge from a tile drain is the responsibility of the applicant or landowner

5. On the ____ day of _____, 20____, I provided a copy of the attached THIRTY-DAY NOTICE, and a copy of the Application, to all of the landowners listed above, by certified mail.

6. I recognize the District cannot make a decision regarding the Application until thirty days have elapsed from the date I mailed the THIRTY-DAY NOTICE to the landowners above.

7. I will provide copies of certified mail receipts to the District within a reasonable time, but before thirty days have elapsed from the date of mailing.

Subscribed and sworn to before me this ____ day of _____, 20____.

Notary Public, Pembina County, ND

(SEAL)

**PEMBINA COUNTY HIGHWAY DEPARTMENT
APPLICATION FOR FLOWAGE EASEMENT**

Name (please print): _____ Date: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Phone: _____

Landowner: _____ or Renter: _____ Other (list): _____
(Please Check One)

County Road # _____ Sec. _____ Twp. _____ Range _____

Number of acres being tiled: _____ Number of affected acres: _____

Has a Tiling Permit been filed with the Pembina County Water Board? _____

Have the downstream landowners been notified? _____

If so, please list those contacted: _____

Please describe the proposed project: _____

The described work must conform to the following provisions:

1. The Applicant shall sponsor the project and guarantee that no environmental conflicts are involved. The Applicant shall comply with federal, state, and local laws together with ordinances and regulations applicable to the work. The Applicant may also need to obtain a drainage permit from the Pembina County Highway Department if any County Road ditch must be cleaned to maintain flow.

2. The Applicant shall be responsible for all costs incurred for all items of work, complete in place, and shall include the furnishing of all labor, equipment, and relocation of utilities, if necessary.
3. The Applicant shall be responsible for all maintenance and repair costs of the county right-of-way, siltation, vegetation, cattail growth, and erosion control. If immediate maintenance and repairs are not made when requested by the Pembina County Highway Department, maintenance and repairs will be made by the Pembina County Highway Department at the cost of the Applicant.
4. All work on the county right-of-way shall be done in a neat and professional manner, subject to inspection and approval by the Pembina County Highway Department Superintendent of Highways.
5. Traffic Control must be provided and maintained, if necessary, and must be in accordance with the Federal Highway Department's "Manual on Uniform Traffic Control Devices," current edition.
6. The Pembina County Highway Department specifically reserves the right to revoke or change the terms and conditions of this Permit with or without cause and upon notice to the Applicant.
7. Any violations of any of the conditions in this permit will void the permit and no further activities of this permit may continue. Pembina County has the sole discretion to interpret all of these terms and conditions and to determine whether the terms of this permit have been violated.
8. By entering upon the county right-of-way to perform the work authorized by this permit and thereby accepting the benefits of this permit, the Applicant agrees to be bound by all the terms and conditions of this permit.
9. The applicant agrees to do the work in accordance with the description of the work, describe herein, and also agrees not to infringe upon the established in-slopes of any road ditch.
10. By entering upon the highway right of way to perform the work authorized by this permit, the Applicant agrees to and will indemnify and hold harmless the Road Authority, their officers, agents and employees from any and all claims of action for compensation for any losses arising out of the performance of the work authorized by this permit. The indemnification shall include all costs and expenses incurred by the Road Authority. The Road Authority herein referred to shall be interpreted to mean the County under whose jurisdiction the segment of highway referred to as detailed under paragraph (a) of this application lies.
11. The Applicant by signing this application agrees and understands that should the work exceed the limits herein allowed, the permit shall become null and void and the applicant shall immediately be in violation of any laws, ordinances, rules, regulation, etc., as pertains to working without a permit.

This application when signed and dated by the applicant and the approving agencies shall become the permit to do the work described herein.

| | |
|--|-------------|
| Applicant: _____ | Date: _____ |
| Board of Commissioners – Chairman: _____ | Date: _____ |
| Supt. of Highways: _____ | Date: _____ |
| Pembina County Water Board: _____ | Date: _____ |