

MINUTES OF MEETING  
MAPLE RIVER WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
JULY 1, 2011

The Maple River Water Resource District met on July 1, 2011, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Wesley Beilke, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Sean M. Fredricks, Attorney for the Board; Chad Engels, Chris Gross and Josh Hassell, Engineers for the Board; Jeff Lahren, property owner in Normanna Township; Ray Horner, property owner in Durbin Township and those whose names appear on the attached roster.

**Pontiac Township drainage**

Chad Engels reviewed elevations of the lakes in Pontiac Township. The water is starting to affect farmsteads, as well as roadways. It appears that the best solution is to send the water east. The route with the least amount of cut is across the NE 1/4 of Section 24 in Pontiac Township. The channel would cross Cass County Highway 38 and empty into a slough in the NW 1/4 of Section 19 in Highland Township, then into another slough in the NE 1/4 of Section 19 and through a natural coulee in the NW 1/4 of Section 20 in Highland Township and into the Maple River.

Mr. Engels reviewed the *Engineer's Opinion of Probable Cost* for an open channel option and an option using buried pipe. Property owners asked about the possibility of using Cass County sales tax money for the project. Chairman Olson said it is possible, but funds would not be available until sometime next year. The Cass County Flood Sales Tax Committee is currently developing a process for prioritizing projects. The committee may consider funding a percentage of the local cost rather than the entire amount. Chairman Olson offered to present the project to the committee.

Keith Weston said something needs to be done for the area. He suggested the property owners contact the Natural Resources Conservation Service if they are interested in the Wetlands Reserve Program. The preliminary plans will be reviewed for wetland issues.

Cass County will look into the cost of road improvements in the area. They would like the Water Resource District to look into forming an assessment district to spread the cost over 20 years. Chairman Olson explained how the process works. Mr. Engels estimated it would cost \$1,000 to develop an assessment district.

It was moved by Manager Suhr and seconded by Manager Olson to authorize Moore Engineering, Inc. to put together assessment district information at a cost of approximately \$1,000 on the Pontiac Township Drainage Project. Upon roll call vote, the motion carried unanimously.

### **Normanna Township Improvement District No. 71**

Alternatives for Normanna Township Improvement District No. 71 were reviewed. It was agreed that it would be best to run the drain along the east side of the railroad track up to the north side of Section 19 in Normanna Township, then west to Drain #34. Mr. Engels will review the matter with Red River Valley & Western Railroad. The project will be submitted to the State Water Commission for cost share.

Jeff Lahren expressed concerns about water coming out of Drain #34 and flowing northeast in the northwest corner of Section 18 of Normanna Township. The Board will look into the matter.

Chairman Olson mentioned obtaining a bond from those interested in the project to cover the cost of going through the legal drain process, which is estimated at \$40,000. This will be discussed further at next meeting.

### **Dike Complaint from Raymond and Margaret Horner against Joel Bishop and Orton Brodshaug in Sections 10, 15, 21 and 22 of Durbin Township**

Chairman Olson and Mr. Engels met with some of the property owners regarding the dike complaint from Raymond and Margaret Horner against Joel Bishop and Orton Brodshaug in Sections 10, 15, 21 and 22 of Durbin Township. Moore Engineering, Inc. has collected some survey information and will plot it with LiDAR to see how it is different from 2008.

Constructing ring dikes to protect the homes was discussed. The Horners do not qualify for the NRCS ring dike program because they are not farmers. The Cass County Joint Water Resource District has discussed ways that could help out in situations like this, such as utilizing the State Water Commission Farmstead Ring Dike Program and creating an assessment district to spread out the remaining costs over time, which may make it more affordable. Chairman Olson said ring dikes will not be eligible for sales tax funding.

Mr. Engels said they will continue working on the matter.

### **Drainage complaint from Jeff Lahren against David Braaten and Scott Jacobson in Section 18 of Normanna Township**

Jeff Lahren said culverts were increased through an approach in the southeast corner of Section 7 in Normanna Township. He said the water does not stay in the ditch and goes across the field and floods his property approximately 1/2 mile further north. Chairman Olson suggested cleaning the west township road ditch along the east side of Section 7. Mr. Lahren said he wants the water to stay in the ditch, but he would like the culverts downsized in the southeast corner of the section. He said David Braaten told

him he did not install the culverts. Mr. Braaten cleaned the ditch along the east side of the NE 1/4 of Section 18 and it needs to be determined if the work was maintenance or if the ditch was improved. The Board would not have jurisdiction over the matter if it was only maintenance. An approach was also removed south of the pipe in the southeast corner of Section 7, which may have caused more water to flow north. Another possible solution would be to add an additional culvert through Mr. Lahren's driveway.

**Applications to Install a Subsurface Drain for Wesley, Judy and Charles Belter in Leonard and Maple River Townships**

The Board reviewed four *Applications to Install a Subsurface Drain*, all dated May 27, 2011, for Wesley, Judy, and Charles Belter. Wesley and Charles Belter were present to discuss the projects with the Board. The Board concluded none of the applications propose drainage of statewide significance, so the Board has jurisdiction to approve the permits (without forwarding to the State Engineer's Office to consider and approve). Legislation from 2011 only permits flowage easements up to one-mile downstream of a tile outlet, and then only if the project does not discharge directly into a legal assessment drain, river, lake, or other body of water identified in the legislation. All of these proposed projects discharge directly into legal assessment drains or natural watercourses, and therefore none of them required *Thirty-Day Notices* under N.D. Cent. Code Section 61-32-03.1 and none of the permits can include flowage easements. Mr. Engels reviewed all of the applications and submitted recommendations to the Board regarding various conditions, including erosion protection when necessary to protect the Board's drains (when a project will discharge directly into one of the Board's drains).

**Application #20112 in Section 5 of Leonard Township**

Under the first permit, Wesley, Judy, and Charles Belter seek to install a drain tile system in Section 5 of Leonard Township, Cass County, North Dakota. Mr. Engels indicated the project will include a gravity outlet that will discharge directly into Cass County Drain 58. Mr. Engels recommended that the Board require the applicants to install erosion protection to avoid erosion where the tile project will discharge into Drain 58.

According to records on file with the Cass County Recorder's Office, the applicants own all of Section 5 in Leonard Township. Because the project will discharge directly into a legal assessment drain, no *Thirty-Day Notice* was necessary to downstream landowners. It was moved by Manager Suhr and seconded by Manager Beilke to approve the *Application to Install a Subsurface Drain #20112* in Section 5 of Leonard Township, subject to the following conditions:

- 1) That Applicant obtain written permission from the owner of any land, besides land owned by applicant, on which applicant will construct the tile system;

2) That Applicant provide and maintain adequate erosion protection at the outlet (Applicant is solely responsible for any damages to Cass County Drain 58 as a result of the tile project); and

3) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

**Application #20115 in Section 6 of Leonard Township**

Under the second permit, Wes Belter seeks to install a drain tile system in the W 1/2 of the SW 1/4 of Section 6 in Leonard Township, Cass County, North Dakota. The project will include a gravity outlet that will cross a township road, before ultimately discharging into Cass County Drain 59 in the NE 1/4 of Section 1 in Watson Township. Mr. Engels recommended that the Board require the applicants to install erosion protection to avoid erosion where the tile project will discharge into Drain 59. The Board discussed the need for further protection for the drain, and specifically discussed the need for Mr. Belter to install a gate he can shut when Drain 59 is full and so the tile discharge does not otherwise overwhelm Drain 59. The Board concluded installation of a gate on the tile system is necessary; Mr. Belter will close the gate to prevent discharge into Drain 59 when the water inside the drain is higher than the adjacent field elevation from Mr. Belter's tile system.

According to records on file with the Cass County Recorder's Office, Wes Belter owns the W 1/2 of the SW 1/4 of Section 6 in Leonard Township. Because the project will discharge directly into a legal assessment drain, no *Thirty-Day Notice* was necessary to downstream landowners. It was moved by Manager Suhr and seconded by Manager Beilke to approve *Application to Install a Subsurface Drain #20115* in the W 1/2 of the SW 1/4 of Section 6 in Leonard Township, subject to the following conditions:

1) That Applicant obtain written permission from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;

2) That Applicant provide and maintain adequate erosion protection at the outlet (Applicant is solely responsible for any damages to Cass County Drain 59 as a result of the tile project);

3) That Applicant obtain written permission from the Leonard Township Board of Township Supervisors to bore through its township road, or to discharge into, or otherwise utilize, any of its right of way;

4) That Applicant must install a gate on the tile system and that, when the water inside Drain 59 is higher than the adjacent field elevation, Applicant must close the gate or otherwise prevent water from Applicant's tile system from entering Drain 59; and

5) That applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

### **Application #20114 in Section 27 of Maple River Township**

Under the third permit, Wesley and Charles Belter seek to install a drain tile system in the NW 1/4 of Section 27 and the SW 1/4 of Section 22, both in Maple River Township. The project will include a gravity outlet that will cross State Highway 18 to the north; on the north side of Highway 18, the project will include pipe in the SW 1/4 of Section 22, before ultimately discharging into a natural watercourse in that quarter. The Board will require the Belters to obtain approval from the NDDOT to cross its road (by boring or otherwise) as a condition.

According to records on file with the Cass County Recorder's Office, the applicants own the NW 1/4 of Section 27 and the SW 1/4 of Section 22 in Maple River Township. Because the project will discharge into a natural watercourse, no *Thirty-Day Notice* was necessary to downstream landowners.

It was moved by Manager Suhr and seconded by Manager Beilke to approve *Application to Install a Subsurface Drain #20114* in the NW 1/4 of Section 27 and the SW 1/4 of Section 22 in Maple River Township, subject to the following conditions:

1) That Applicant obtain written permission from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;

2) That Applicant obtain written permission from the North Dakota Department of Transportation to bore through Highway 18, or to discharge into, or otherwise utilize, any of its right-of-way; and

3) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

**Application #20113 in Section 32 of Maple River Township**

Under the fourth permit, Judy Belter seeks to install a drain tile system in the W 1/2 of Section 32 in Maple River Township. The project will include a gravity outlet that will discharge directly into a natural watercourse in the NW 1/4 of Section 32. According to records on file with the Cass County Recorder's Office, Judy Belter owns the W 1/2 of Section 32 in Maple River Township. Because the project will discharge directly into a natural watercourse, no *Thirty-Day Notice* was necessary to downstream landowners.

It was moved by Manager Suhr and seconded by Manager Beilke to approve *Application to Install a Subsurface Drain #20113* in the W 1/2 of Section 32 in Maple River Township, subject to the following conditions:

- 1) That Applicant obtain written permission from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system; and
- 2) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

**Application to Install a Subsurface Drain #11-173 for Mark Ottis in the NW 1/4 of Section 6 in Walcott West Township and the N 1/2 SE 1/4 of Section 1 in Barrie Township, Richland County**

It was moved by Manager Beilke and seconded by Manager Suhr to concur and approve *Application to Install a Subsurface Drain #11-173* for Mark Ottis in the NW 1/4 of Section 6 in Walcott West Township and the N 1/2 SE 1/4 of Section 1 in Barrie Township, Richland County and to send a letter to Richland County Water Resource District setting out the same. Upon roll call vote, the motion carried unanimously.

**Request for Drainage on Highway Right of Way for Dane M. Larson in Section 5 of Mapleton Township**

The Board received and filed the *Request for Drainage on Highway Right of Way* for Dane M. Larson in Section 5 of Mapleton Township.

**Drain #60 reassessment**

The Board discussed the reassessment of Drain #60. It was moved by Manager Suhr and seconded by Manager Beilke to approve the *Joint Water Resource District Agreement* to form the *Maple River-Southeast Cass Joint Water Resource District*. Upon roll call vote, the motion carried unanimously.

### **Meeting recessed / reconvened**

The meeting recessed at 11:40 a.m. for the Maple River-Southeast Cass Joint Water Resource District meeting. The Maple River Water Resource District meeting reconvened at 12:20 p.m.

### **2011 Spring Flood Request for Public Assistance / designate representatives to work with FEMA**

It was moved by Manager Suhr and seconded by Manager Beilke to appoint the following people in the designated capacities, representing Maple River Water Resource district, to work with FEMA on the disaster declared for the 2011 Spring Flood:

- Carol Harbeke Lewis, Authorized Representative
- Kurt Lysne, Technical Representative
- Brady Woodard, Field Representative

Upon roll call vote, the motion carried unanimously.

### **Absaraka Dam**

It was moved by Manager Suhr and seconded by Manager Beilke to hire Pro Landscapers LLC to proceed with erosion control work at the Absaraka Dam spillway for the bid price of \$6,500. Upon roll call vote, the motion carried unanimously.

### **Embden Dam – backwater roads**

The Board discussed the problem with the road washing out upstream of the Embden Dam. No action was taken.

### **Application to Install a Subsurface Drain #20111 for Madelyne Runck in the N 1/2 of Section 23 in Leonard Township**

The Board reviewed an *Application to Install a Subsurface Drain* dated May 21, 2011, for Madelyne Runck. Mr. Engels reviewed the application and submitted recommendations to the Board. In addition, he spoke to Mr. Craig Runck and Mr. Runck indicated the project is already complete. Under the application, the applicant seeks to install a drain tile system in the N 1/2 of Section 23 in Leonard Township, Cass County, North Dakota. The project will include a pump outlet in the northeast corner of Section 23 into a buried 12-inch tile that will run along the entire north line of Section 24, along Cass County highway right-of-way. The project will then discharge into Cass County Drain 39, a drain owned and operated by the Maple River Water Resource District. Mr. Runck indicated to Mr. Engels that all of the buried 12-inch tile along the north line of Section 24 is entirely outside of county right-of-way.

Mr. Engels recommended that, because the project will discharge into Drain 39, the Board should require the applicant to install and maintain erosion protection in Drain 39 to protect the drain from the tile discharge.

According to records on file with the Cass County Recorder's Office, Applicant owns the N 1/2 of Section 23 in Leonard Township, where Applicant seeks to install the tile system. Further, according to records on file with the Cass County Recorder's office, the Ada Roesler Living Trust and Wayne Roesler are the owners of the N 1/2 of the N 1/2 of Section 24, Leonard Township.

In accordance with NDCC Section 61-32-03.1, the Maple River Water Resource District provided a *Thirty-Day Notice* regarding *Application to Install a Subsurface Drain #20111* to Ada Roesler Living Trust and Wayne Roesler. The Board could not consider or approve the application until 30 days expired from the date the Board provided the notice. None of the recipients of the *Thirty-Day Notice* submitted any comments to the Board for consideration.

The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit without forwarding to the State Engineer's Office for consideration and approval. It was moved by Manager Suhr and seconded by Manager Beilke to approve *Application to Install a Subsurface Drain #20111* dated May 21, 2011, for Madelyne Runck in the N 1/2 of Section 23 in Leonard Township, subject to the following conditions:

- 1) That Applicant obtain easements or some other form of written consent to install a portion of the tile system along the north boundary of Section 24;
- 2) That Applicant obtain easements or some other form of written consent from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 3) That Applicant provide and maintain adequate erosion protection at any and all outlets (Applicant is solely responsible for any damages to Cass County Drain 39 as a result of the tile project); and
- 4) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

**Application to Install a Subsurface Drain #20116 for Richard Farm Enterprise, LP in the NW 1/4 of Section 5 in Warren Township**

The Board reviewed an *Application to Install a Subsurface Drain*, dated May 23, 2011, for Richard Farm Enterprise, LP. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve).

Under the application, Applicant seeks to install a drain tile system in the NW 1/4 of Section 5 in Warren Township, Cass County, North Dakota. The project will include a gravity outlet that will discharge directly into Cass County Drain 14 in the NW 1/4 of Section 5. The Maple River Water Resource District owns and operates Drain 14.

Mr. Engels reviewed the application and submitted his recommendation to the Board that, because the project will discharge directly into Drain 14, the Board should require Applicant to install and maintain erosion protection to protect Drain 14. The proposed project will discharge directly into Drain 14 and therefore the application did not require a *Thirty-Day Notice* under N.D. Cent. Code Section 61-32-03.1, and the Board cannot require Applicant to obtain any flowage easements from downstream landowners.

According to records on file with the Cass County Recorder's Office, Richard Farm Enterprise, LP owns all of the NW 1/4 of Section 5 in Warren Township. It was moved by Manager Suhr and seconded by Manager Beilke to approve *Application to Install a Subsurface Drain #20116* dated May 23, 2011, for Richard Farm Enterprise, LP in the NW 1/4 of Section 5 in Warren Township, subject to the following conditions:

- 1) That Applicant obtain easements or some other form of written consent from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant provide and maintain adequate erosion protection at any and all outlets (Applicant is solely responsible for any damages to Cass County Drain 14 as a result of the tile project); and
- 3) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

**Application to Install a Subsurface Drain #201112 for Orlan R. Swenson in the NE 1/4 of Section 13 in Davenport Township**

The Board reviewed an *Application to Install a Subsurface Drain* dated June 9, 2011, for Orlan R. Swenson. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the NE 1/4 of Section 13 in Davenport Township, Cass County, North Dakota. The project will include a gravity outlet that will discharge directly into Cass County Drain 34 in the NE 1/4 NE 1/4 of Section 13. The Maple River Water Resource District owns and operates Drain 34.

Chad Engels reviewed the application and submitted his recommendation to the Board that, because the project will discharge directly into Drain 34, the Board should require Applicant to install and maintain erosion protection to protect Drain 34. The proposed project will discharge directly into Drain 34 and therefore the application did not require a *Thirty-Day Notice* under N.D. Cent. Code Section 61-32-03.1, and the Board cannot require Applicant to obtain any flowage easements from downstream landowners.

According to records on file with the Cass County Recorder's Office, Orlan and Elaine Swenson own all of the NE 1/4 of Section 13, with the exception of an 8.59 acre-tract owned by Ted and Linda Bietz. The Board's understanding is Applicant will construct the project only on property owned by Applicant, and not on the Bietzes' property.

It was moved by Manager Suhr and seconded by Manager Beilke to approve *Application to Install a Subsurface Drain #201112* dated June 9, 2011, for Orlan R. Swenson in the NE 1/4 of Section 13 in Davenport Township, subject to the following conditions:

- 1) That Applicant obtain easements or some other form of written consent from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant provide and maintain adequate erosion protection at any and all outlets (Applicant is solely responsible for any damages to Cass County Drain 34 as a result of the tile project); and
- 3) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

**Application to Install a Subsurface Drain #201115 for Dennis Meier in the SW 1/4 of Section 3 in Buffalo Township**

The Board reviewed an *Application to Install a Subsurface Drain* dated June 14, 2011, for Dennis Meier. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the SW 1/4 of Section 3 in Buffalo Township, Cass County, North Dakota. Mr. Engels reviewed the application and indicated the project will include a gravity outlet that will discharge directly into a natural watercourse in the SW 1/4 of Section 3. Because the proposed project will discharge directly into a natural watercourse, the application did not require a *Thirty-Day Notice* under N.D. Cent. Code Section 61-32-03.1; further, the Board cannot require Applicant to obtain any flowage easements from downstream landowners.

According to records on file with the Cass County Recorder's Office, the Meier family owns all of the SW 1/4 of Section 3.

It was moved by Manager Beilke and seconded by Manager Suhr to approve *Application to Install a Subsurface Drain #201115* dated June 14, 2011, for Dennis Meier in the SW 1/4 of Section 3 in Buffalo Township, subject to the following conditions:

- 1) That Applicant obtain easements or some other form of written consent from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system; and
- 2) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

**Application to Install a Subsurface Drain #201118 for Jim Wieland in the S 1/2 NE 1/4 of Section 9 in Buffalo Township**

The Board reviewed an *Application to Install a Subsurface Drain* dated June 13, 2011, for Jim Wieland. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the S 1/2 of the NE 1/4 of Section 9 in Buffalo Township, Cass County, North Dakota. The project will include installation of a buried tile outlet line along the west ditch of Cass County Highway 3 in the SE 1/4 of Section 9 in Buffalo Township. The outlet line will then discharge directly into a natural watercourse in the SE 1/4 of Section 9. Because the project will discharge from the outlet line directly into a natural watercourse, no *Thirty-Day Notice* was necessary to downstream landowners under N.D. Cent. Code Section 61-32-03.1; further, the Board cannot require Applicant to obtain any *flowage* easements from downstream landowners (but if the project includes installation of tile on property not owned by Applicant, the Board can require easements from other property owners).

According to records on file with the Cass County Recorder's Office, Jim Wieland, John Kringler, and Wieland Investments, LLLP, all have ownership interests regarding the S 1/2 NE 1/4 of Section 9 in Buffalo Township. Further, according to records on file with the Cass County Recorder's Office, the following parties have ownership interests in the SE 1/4 of Section 9 in Buffalo Township: 1) Ron Killoran, Peter Baasch, Todd Pierce, Jeff Pierce, and Lynnell Henricks (owners of the SE 1/4 of Section 9, less 22.15 acres owned by Timothy and Sueann Bentson); and 2) Timothy and Sueann Bentson. Road right-of-way is sometimes unclear regarding ownership between the road authority and adjacent landowners. In this instance, Applicant should require the requisite permission from either the county to locate the outlet line (if the county owns its right-of-way in the SE 1/4 of Section 9); or from both the county and the adjacent landowners, if the county has a mere easement.

It was moved by Manager Suhr and seconded by Manager Beilke to approve *Application to Install a Subsurface Drain #201118* dated June 13, 2011, for Jim Wieland in the S 1/2 NE 1/4 of Section 9 in Buffalo Township, subject to the following conditions:

- 1) Applicant must obtain easements or some other form of written consent from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system.
- 2) If Applicant intends to install the outlet line in the SE 1/4 of Section 9 in Buffalo Township in right-of-way **owned** by Cass County, Applicant must obtain written permission from Cass County. Alternatively, if the county merely owns an easement regarding its highway right-of-way in the SE 1/4 of Section 9, subject to ownership interests in underlying/adjacent landowners, Applicant must obtain written permission from Cass County, **and** either easements or other written consent from the underlying landowners.
- 3) Applicant must obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

**Application to Install a Subsurface Drain #201120 for Jim Wieland in the NE 1/4 of Section 23 in Buffalo Township**

The Board reviewed an *Application to Install a Subsurface Drain* dated June 21, 2011, for Jim Wieland. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve).

Mr. Engels reviewed the application and submitted comments and recommendations for the Board's consideration. Under the application, Applicant seeks to install a drain tile system in the NE 1/4 of Section 23 in Buffalo Township, Cass County, North Dakota. The project will include installation of a buried tile outlet line in the NW 1/4 of Section 24 in Buffalo Township. The outlet line will then discharge directly into a natural watercourse in the NW 1/4 of Section 24. Because the project will discharge from the outlet line directly into a natural watercourse, no *Thirty-Day Notice* was necessary to downstream landowners under N.D. Cent. Code Section 61-32-03.1; further, the Board cannot require Applicant to obtain any *flowage* easements from downstream landowners (but if the project includes installation of tile on property not owned by Applicant, the Board can require easements from other property owners).

According to records on file with the Cass County Recorder's Office, Jim Wieland, John Kringler, and Wieland Investments, LLLP, all have ownership interests regarding the NE 1/4 of Section 23 in Buffalo Township (where Applicant seeks to install the tile project). Further, according to records on file with the Cass County Recorder's Office, Roger

Kasowski, Darryl Kasowski, and Levi Kasowski have ownership interests in the NW 1/4 of Section 24 in Buffalo Township (where Applicant proposes to install a buried tile outlet).

It was moved by Manager Beilke and seconded by Manager Suhr to approve *Application to Install a Subsurface Drain #201120* dated June 21, 2011, for Jim Wieland in the NE 1/4 of Section 23 in Buffalo Township, subject to the following conditions:

- 1) Applicant must obtain easements or some other form of written consent to install a buried tile outlet line in the NE 1/4 of Section 24 in Buffalo Township.
- 2) Applicant must obtain easements or some other form of written consent from the owner of any land, besides land owned by Applicant, on which Applicant will construct the rest of the tile system.
- 3) Applicant must obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

**Dike Application #2322 for Dean Sprunk in the NE 1/4 NW 1/4 of Section 36 in Highland Township**

The Board received and filed *Dike Application #2322* for Dean Sprunk in the NE 1/4 NW 1/4 of Section 36 in Highland Township.

**Request from Mapleton Township for gravel at the Drain #14 crossing between Sections 8 and 17**

The Board considered the request from Mapleton Township for 1-2 loads of gravel at the Drain #14 crossing between Sections 8 and 17. Due to the lack of drain funds, the Board denied the request.

**Local funding for retention studies and project development**

The Board concurred with the proposal discussed at the Cass County Joint Water Resource District meeting on May 27, 2011, to divide local cost share for retention studies and project development according to the percentage of one mill that each of the Water Resource Districts in Cass County generates.

**Pledge of Assets**

It was moved by Manager Suhr and seconded by Manager Beilke to approve the following Pledge of Assets:

Alerus Financial (as per agreement of March 7, 1996)

Upon roll call vote, the motion carried unanimously.

**Per Diem**

It was moved by Manager Beilke and seconded by Manager Suhr to increase the Per Diem rate to \$125, retroactive to January 1, 2011. Upon roll call vote, the motion carried unanimously.

**2011 Budget, 2010 Maintenance Levy Assessments and Levy for the Red River Joint Water Resource District**

It was moved by Manager Beilke and seconded by Manager Suhr to approve the 2012 Budget, 2011 Maintenance Levy Assessments and levying two mills for the Red River Joint Water Resource District for 2012. Upon roll call vote, the motion carried unanimously.

**Minutes**

It was moved by Manager Suhr and seconded by Manager Beilke to approve the minutes of the June 3, 2011, meeting. Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Beilke and seconded by Manager Suhr to approve payment of Checks #4827 through #4831 and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Suhr and Beilke. The Chairman declared the motion passed.

**Animal Damage Control**

It was moved by Manager Suhr and seconded by Manager Beilke to approve the *Independent Contractor Agreement* with Jarrett Christoferson for animal damage control in the Maple River Water Resource District. Upon roll call vote, the motion carried unanimously.

**Adjournment**

There being no further business for the Board to consider, the meeting adjourned without objection.

APPROVED:

\_\_\_\_\_  
Rodger Olson  
Chairman

ATTEST:

\_\_\_\_\_  
Carol Harbeke Lewis  
Secretary-Treasurer