

MINUTES OF MEETING  
MAPLE RIVER WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
MAY 3, 2012

The Maple River Water Resource District met on May 3, 2012, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Gerald Melvin, Manager; Diane Pochardt, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; Jason Benson, Cass County Engineer; Wes Beilke and Jeff Beilke, property owners in Eldred Township; Mark Ottis and Ryan Ottis, property owners in Normanna Township. Carol Harbeke Lewis, Secretary-Treasurer, was absent.

**Lake Bertha high water outlet**

Mike Opat updated the Board on the proposed high water outlet project on Lake Bertha. Moore Engineering, Inc. prepared a survey of the area and the data has been forwarded to the U.S. Fish and Wildlife Service for review. Mr. Opat reported the water elevation is currently 1088.5' and the plan is to decrease the elevation to 1085.0', which is approximately 3 1/2 feet lower than November 2011. The general concept is to have the outlet water flow to the north and east, controlled by the culverts. Mr. Opat indicated there will be a ditch between Lake Bertha and the crossings and a control structure by the field approach at 1084.0'. An additional crossing will tie into the existing culverts.

Wes Beilke and Jeff Beilke met with the Board to discuss water concerns regarding Section 15 in Eldred Township. It was suggested the water be brought to the south. Mr. Beilke indicated Section 15 is under water and he would like to see it lowered 3 feet. Mr. Opat said they will have to re-evaluate the concept plan, if the Board decides the water should go south. Manager Melvin recommended the Board clarify the project map, the direction of water flow, and the potential impact to townships before proceeding with the project. No cost estimates have been prepared. Mr. Opat will invite Kurt Tompkins, District Manager, U.S. Fish and Wildlife Service, to the next Maple River Water Resource District meeting.

**Application to Install a Subsurface Drain #201121 for Dan Heuer in the NE 1/4 of Section 16 in Leonard Township - Amendment**

The Board previously reviewed *Application to Install a Subsurface Drain #201121* dated June 23, 2011, for Dan Heuer. The Board provided notice of its decision by letter dated September 19, 2011. Recently, Mark Ottis, on behalf of Applicant Dan Heuer, requested permission to amend Mr. Heuer's permit; more specifically, Mr. Ottis indicated Applicant's intent to relocate the proposed outlet for the tile system.

The Board originally approved *Application #201121* for purposes of a tile system in the NE 1/4 of Section 16 in Leonard Township, Cass County, North Dakota. Applicant originally anticipated locating the pump outlet from the NE 1/4 of Section 16 into the south road ditch of the township road along the north boundary of Section 15 in Leonard Township. However, Darrell Logemann, as owner in the N 1/2 N 1/2 of Section 15, would not grant Applicant a flowage easement. Therefore, Applicant requests permission to relocate the proposed outlet to the north road ditch of the township road along the north boundary of the NE 1/4 in Section 16. More specifically, the tile project will include a pipeline through the township road to the new outlet in the southeast corner of the SE 1/4 of Section 9 in Leonard Township; from there, the tile discharge will flow east through the north road ditch along the south portion of Section 10 until the tile discharge outlets into Cass County Drain #15.

The Board previously required Applicant to obtain a flowage easement from the owners in the N 1/2 N 1/2 of Section 15; however, in light of the proposed amendment, a flowage easement from the owners in the N 1/2 N 1/2 of Section 15 will no longer be necessary. Instead, the Board will require Applicant to obtain an easement from the owner in the southeast corner in the SE 1/4 of Section 9 for purposes of placement of the outlet for the tile system. In addition, the Board will require Applicant to obtain flowage easements from the owners in the S 1/2 S 1/2 of Section 10 regarding the tile discharge through the township road ditch on those owners' property.

The Board concluded the requested amendment does not propose drainage of statewide significance, so the Board has jurisdiction to approve the amendment (without forwarding to the State Engineer's Office to consider and approve). Further, Applicant already obtained flowage easements from the owners in the S 1/2 S 1/2 of Section 10.

According to records on file with the Cass County Recorder's office, Applicant owns the NE 1/4 in Section 16; Mary Allen and Melanie Salzwedel own the S 1/2 of Section 9, subject to a life estate in Charlotte Salzwedel; Dallas and Paula Glasow own the SW 1/4 in Section 10; and Clifford Glasow owns the SE 1/4 of Section 10.

It was moved by Manager Melvin and seconded by Manager Suhr to approve an amendment to *Application to Install a Subsurface Drain #201121* for Dan Heuer in the NE 1/4 of Section 16 in Leonard Township, subject to the following conditions:

- 1) That Applicant obtain and record (with the Cass County Recorder's office) an easement (and not just a written consent) to install and maintain a pump outlet in the southeast corner in the SE 1/4 of Section 9 in Leonard Township, Cass County, North Dakota;
- 2) That Applicant obtain and record (with the Cass County Recorder's office) flowage easements (and not just written consents), including language that permits saline water, from the owners in the S 1/2 S 1/2 of Section 10 in Leonard Township, Cass County, North Dakota;

- 3) That Applicant notify the Maple River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 4) That Applicant obtain and record (with the Cass County Recorder's office) flowage easements (and not just written consents), including language that permits saline water, from the owners in the N 1/2 N 1/2 of Section 15 in Leonard Township, Cass County, North Dakota;
- 5) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 6) That Applicant obtain written permission from the Leonard Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches, or to bore through any of its township roads;
- 7) That Applicant notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 8) 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.

#### **Maple River Watershed Retention Plan**

The Board tabled the Maple River Watershed Retention Plan and will review it at the next meeting.

#### **Drain #14 Channel Improvements**

Mr. Opat reported seeding has been completed on the Drain #14 Channel Improvements Project.

#### **Cass County Highway Department – bridge replacement over Drain #14 between Sections 20 and 29 in Mapleton Township**

Jason Benson met with the Board to discuss the Cass County Highway Department bridge replacement project over Drain #14 between Sections 20 and 29 in Mapleton Township.

#### **Application to Install a Subsurface Drain #20128 for Harbeke Farms in the NE 1/4 of Section 23 in Lake Township**

The Board reviewed *Application to Install a Subsurface Drain #20128* dated February 7, 2012, for Harbeke Farms. 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 tile system in the NE 1/4 of Section 23 in Lake Township, Cass County, North Dakota. The project will include a pump outlet that will discharge on the east side in the NE 1/4 of Section 23 into the west township road ditch; from there, the tile discharge will flow south through the township road ditch until it reaches the Maple River.

The Board provided *Thirty-Day Notices* to the owners in the SE 1/4 of Section 23 and the NE 1/4 of Section 26 in accordance with N.D. Cent. Code Section 61-32-03.1. None of the landowners provided any written or verbal comments regarding the proposed project. The Board can only require flowage easements one mile downstream of the outlet.

According to records on file with the Cass County Recorder's Office, Applicant owns the NE 1/4 in Section 23; Elizabeth Gray owns the SE 1/4 of Section 23; and William Harbeke owns the NE 1/4 in Section 26.

It was moved by Manager Melvin and seconded by Manager Suhr to approve *Application to Install a Subsurface Drain #20128* dated February 7, 2012, for Harbeke Farms in the NE 1/4 of Section 23 in Lake Township, subject to the following conditions:

1) That Applicant obtain and record (with the Cass County Recorder's office) flowage easements (and not just written consents), including language that permits saline water, from the owners of the following parcels in Lake Township, Cass County, North Dakota:

- a. The SE 1/4 in Section 23; and
- b. The NE 1/4 in Section 26;

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

3) That Applicant obtain written permission from the Lake Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches;

4) That Applicant notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;

5) That Applicant notify the Maple River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application; and

6) 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 #20129 for Brad Olstad in the SW 1/4 of Section 25 in Rochester Township**

The Board reviewed *Application to Install a Subsurface Drain #20129* for Brad Olstad in the SW 1/4 of Section 25 in Rochester Township. Manager Suhr said he believes the route for the project has changed and that Mr. Olstad will need to file a new permit application. Manager Suhr will contact Mr. Olstad regarding the matter.

**Application to Install a Subsurface Drain #20123 for Lynn Goltz and Troy Goltz, Goltz Farms LLC in the E 1/2 of Section 33 in Leonard Township**

The Board reviewed *Application to Install a Subsurface Drain #20123* for Lynn Goltz and Troy Goltz, Goltz Farms LLC, in the E 1/2 of Section 33 in Leonard Township. The Board tabled the matter until more information is available.

**Drain #56 – beaver dam removal in Section 13 of Cornell Township**

The Board directed Moore Engineering, Inc. to hire a contractor to remove the beaver dam on Drain #56 in Section 13 of Cornell Township.

**Minutes**

It was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to approve the minutes of April 5, 2012 (two sets), meetings.

**Bills**

It was moved by Manager Melvin and seconded by Manager Suhr to approve payment of Checks #4944 through #4950 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Suhr and Melvin. The Chairman declared the motion passed.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to adjourn the meeting.

APPROVED:

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Rodger Olson  
Chairman

ATTEST:

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Diane Pochardt  
Acting Secretary