

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JULY 12, 2013

The Maple River Water Resource District met on July 12, 2013, 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; Carol Harbeke Lewis, Secretary-Treasurer; Brittany C. Moen, Administrative Assistant; Sean Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; and Wes Beilke, Buffalo resident.

Pontiac Township Improvement District No. 73

Mike Opat reported on discussions with Kurt Tompkins representing U.S. Fish and Wildlife Service (USFWS) and landowners regarding Pontiac Township Improvement District No. 73. A resolution was made to keep the project off of USFWS property and both USFWS and landowners have agreed to the new resolution.

Mr. Opat updated the Board on right-of-way for the project.

Plans for the project have been completed, and the Board plans to authorize advertising the project for bids at the next meeting.

Upper Maple River Dam

Mr. Opat informed the Board the Tribes continue to work on the final report as a result of the Traditional Cultural Properties Survey for the Upper Maple River Dam Project. Mr. Opat also indicated that a list of the sites produced by the survey has been received, and he does not currently anticipate a change in the layout of the project being necessary as a result. No action will be taken until the Traditional Cultural Properties Survey report is finalized.

Mr. Opat hopes the Environmental Assessment will be finished by September.

An informational meeting with property owners is scheduled for July 24, 2013, in Hope, North Dakota.

Lake Bertha Flood Control Project No. 75

Wes Beilke spoke with a representative from the Natural Resources Conservation Service (NRCS) regarding Lake Bertha Flood Control Project No. 75 and was directed to get an exact benchmark of how much the water could be lowered. Mr. Beilke stated

he would like to see the water off of the surrounding farmland and allow opening the township road. The township indicated to Mr. Beilke they would build up the road if the water was lowered. He also suggested seeking support from the county for the project. Mr. Beilke will investigate an exact benchmark of the desired water depth and be in contact with the NRCS.

Application to Install a Subsurface Drain No. 20134 for Saewert Brothers in the S 1/2 of Section 2 in Davenport Township

The Board reviewed *Application to Install a Subsurface Drain No. 20134* dated May 1, 2013, from Mike Saewert and Saewert Brothers. 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 Section 2 in Davenport Township, Cass County, North Dakota. The project will include a pump outlet that will discharge on the east boundary of the SE 1/4 of Section 2; the pump outlet will discharge into Cass County Highway 27 right of way and will flow north along the east boundary of the E 1/2 of Section 2; the project will ultimately discharge into Cass County Drain No. 14.

The Board previously provided a *Thirty-Day Notice* under N.D. Cent. Code Section 61-32-03.1 to the owners of the NE 1/4 of Section 2. To the extent the project will include any discharge through Red River Valley and Western Railroad right-of-way, the Board will require Applicant to obtain permission from Red River Valley and Western Railroad.

According to records on file with the Cass County Recorder's Office, Applicants own the S 1/2 of Section 2, and Karen Sorby and Sidney Steinweg own the NE 1/4 of Section 2.

It was moved by Manager Suhr and seconded by Manager Melvin to approve *Application to Install a Subsurface Drain No. 20134* dated May 1, 2013, for Mike Saewert and the Saewert Brothers in the S 1/2 of Section 2 in Davenport 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 NE 1/4 of Section 2 in Davenport Township, Cass County, North Dakota;
- 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 Cass County to discharge into, or otherwise utilize, any of its county highway right of way;
- 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, upon a determination by, and notice from, the Maple River Water Resource District that Drain No. 14 is full or otherwise unable to accommodate the discharge of water from Applicant's tile system, Applicant must turn off any and all pumps;
- 6) 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;
- 7) To the extent the project will discharge into or otherwise utilize any Red River Valley and Western Railroad right of way, Applicant must obtain written permission from Red River Valley and Western Railroad; 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.

Application to Install a Subsurface Drain No. 20136 for David Braaten / David Moe in the SW 1/4 of Section 34, the NE 1/4 of Section 34, 8 acres in the NW 1/4 of Section 35 and the SE 1/4 of Section 27 in Davenport Township

The Board reviewed *Application to Install a Subsurface Drain No. 20136* dated June 3, 2013, for David Braaten and Evan Moe. 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, Applicants seek to install a drain tile system with a common outlet in the SE 1/4 of Section 27, the SW 1/4 of the NE 1/4 of Section 34, and the NW 1/4 of Section 35, all in Davenport Township, Cass County, North Dakota. The project will include a buried pipe commencing along the east boundary of the NE 1/4 of Section 34 (the tile project in the NE 1/4 of Section 34 will discharge into the buried pipe); the tile discharge will flow through the buried pipe along the east boundary to the north; the portion of the project in the NW 1/4 of Section 35 will discharge through a buried pipe, under the township road between Sections 34 and 35, where the buried pipe from Section 35 will enter the buried pipe in the NE 1/4 of Section 34; from there, the single buried pipe will run north along the east boundary, into the SE 1/4 of Section 27; in the SE 1/4, the buried pipe will surface and the tile discharge will outlet into a private surface drain that runs to the east and discharges into the township road ditch along the east boundary of the SE 1/4 of Section 27; from there, the tile discharge will flow through the township road ditch along the east boundary of Section 27, where Applicants will install a lift station to pump the tile discharge further north through the township road ditch.

The Board previously provided *Thirty-Day Notices* under N.D. Cent. Code Section 61-32-03.1 to the owners of the NE 1/4 of Section 27 and the SE 1/4 of Section 22. The Board will require Applicants to obtain easements from those landowners, and will

require Applicants to obtain written permission from Davenport Township regarding tile discharge, buried pipe, and any other tile infrastructure in the township road right of way.

According to records on file with the Cass County Recorder's Office, Roger Torgerson owns the NW 1/4 of Section 35; Evan and Marie Moe own the SW 1/4 of the NE 1/4 of Section 34; and David and Teresa Braaten own the SE 1/4 of Section 27. With regard to the downstream properties, Jim Wieland, Mark Nettum, Galen Nettum, and Tracy Nettum all own interests in the SE 1/4 of Section 22; and Leslie Nettum owns the E 1/2 of the NE 1/4 of Section 27.

It was moved by Manager Melvin and seconded by Manager Suhr to approve *Application to Install a Subsurface Drain No. 20136* dated June 3, 2013, for David Braaten and Evan Moe in the SE 1/4 of Section 27, the SW 1/4 of the NE 1/4 of Section 34, and the NW 1/4 of Section 35, in Davenport Township, subject to the following conditions:

1) That Applicants 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 Davenport Township, Cass County, North Dakota:

- a. SE 1/4 of Section 22; and
- b. NE 1/4 of Section 27;

2) That Applicants obtain and record (with the Cass County Recorder's office) a permanent easement (and not just a written consent) that permits applicants to install, operate, and maintain a tile system from the owner of the NW 1/4 of Section 35, Davenport Township, Cass County, North Dakota;

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

4) That Applicants obtain written permission from the Davenport Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches, or to bore through its township road;

5) That Applicants obtain written permission from the Davenport Township Board of Township Supervisors to install, operate, and maintain a buried pipe and any other tile components in any of its township road ditches;

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

7) That Applicants 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

8) That Applicants 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 No. 20137 for Kevin and Mike Meier in the SW 1/4 of Section 1 in Buffalo Township

The Board discussed *Application to Install a Subsurface Drain No. 20137* in the SW 1/4 of Section 1 in Buffalo Township for Kevin and Mike Meier. Manager Melvin will discuss the application with the property owners.

Application to Install a Subsurface Drain No. 20138 for Patty Olstad and Kyle Olstad in the NW 1/4 of Section 10 in Lake Township

The Board discussed *Application to Install a Subsurface Drain No. 20138* in the NW 1/4 of Section 10 in Lake Township. A *Thirty-Day Notice* will be sent out and the Board will act on the matter after at least 30 days has elapsed from the date of the Notice.

Application to Install a Subsurface Drain No. 201215 for Brad Olstad in the SW 1/4 of Section 25 and Section 34 in Rochester Township

The Board noted several property owners have not yet signed the *Assessment Agreements* regarding *Application to Install a Subsurface Drain No. 201215* for Brad Olstad in the SW 1/4 of Section 25 and Section 34 in Rochester Township.

2012 Audit

It was moved by Manager Melvin and seconded by Manager Suhr to approve the 2012 audit of the Maple River Water District. Upon roll call vote, the motion carried unanimously.

2014 Budget and 2013 Maintenance Levy Assessments

The Board worked on its 2014 Budget and 2013 Maintenance Levy Assessments.

Minutes

It was moved by Manager Suhr, seconded by Manager Melvin and unanimously carried to approve the minutes of the June 6, 2013, meeting.

Bills

It was moved by Manager Melvin and seconded by Manager Suhr to approve the payment of Checks #5088 through #5094 and the electronic funds transfer, as presented. Upon roll call vote, the motion carried unanimously.

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:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer