

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
AUGUST 7, 2014

The Maple River Water Resource District met on August 7, 2014, at 1:00 p.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; Sean M. Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; Brady Woodard, Moore Engineering, Inc. and Truman Kingsley, property owner in Wheatland Township.

Minutes

It was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to approve the minutes of the June 25, July 7, July 8 and July 29, 2014, meetings.

Pontiac Township Improvement District No. 73

Mike Opat updated the Board on the status of Pontiac Township Improvement District No. 73. The favorable weather has helped the contractor move forward on the project. They are working on compaction issues and are planning to pour another control structure tomorrow.

Lake Bertha Flood Control Project No. 75

The Cass County Joint Water Resource District has agreed to take the lead on Lake Bertha Flood Control Project No. 75. The first step will be to work with agencies to determine what will or will not be allowed. They are currently waiting for a response from the Natural Resources Conservation Service on the matter.

Garsteig Dam pipe repair

Options for repairing the pipe through Garsteig Dam were discussed. It was moved by Manager Suhr and seconded by Manager Melvin to repair the pipe through Garsteig Dam, at a cost not to exceed \$30,000, and to submit the project to the State Water Commission and Red River Joint Water Resource District for cost share. Upon roll call vote, the motion carried unanimously.

Drainage complaint from Rick Kensok against Todd Weber in the S 1/2 of Section 24 in Wheatland Township

The Board continues to look into the drainage complaint from Rick Kensok against Todd Weber in the S 1/2 of Section 24 in Wheatland Township.

Application to Install a Subsurface Drain #20147 for James Wieland in the SE 1/4 of Section 22 and the SW 1/4 of Section 23 in Davenport Township

The Board reviewed *Application to Install a Subsurface Drain #20147* for James Wieland in the SE 1/4 of Section 22 and the SW 1/4 of Section 23 in Davenport Township. *Thirty-Day Notices* have been sent out to downstream landowners.

Application to Install a Subsurface Drain #20148 for Bradley Kellerman and David and Teresa Braaten Farms in the N 1/2 and the W 1/2 SW 1/4 of Section 18 in Davenport Township

The Board reviewed *Application to Install a Subsurface Drain No. 20148* dated June 18, 2014, for Bradley Kellerman and David Braaten. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the “statewide” elements; therefore, 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 in the N 1/2 and the W 1/2 of the SW 1/4 of Section 18 in Davenport Township, Cass County, North Dakota. The project will include a pump outlet in the northeast corner of Section 18; the pump will discharge directly into the south road ditch along the east-west township road along the Section 7/18 Section line; the tile discharge will then flow east along the north boundary of Section 17, through the south township road ditch.

The Board provided *Thirty-Day Notices* under N.D. Cent. Code Section 61-32-03.1 to the landowners along the north boundary of Section 17 in Davenport Township, within one mile of the tile discharge. Mike Opat indicated the tile discharge will likely result in prolonged wetness along the north boundary of Section 17; sediment buildup; cattail growth; and access issues.

According to records on file with the Cass County Recorder’s Office, Bradley Kellerman owns the NE 1/4 of Section 18; David and Teresa Braaten own the NW 1/4 of Section 18; D.W. Braaten owns that portion of the W 1/2 SW 1/4 of Section 18 Applicants intend to tile; the R. Alan Magnuson Dynasty Trust owns the N 1/2 NW 1/4 of Section 17; and Bradley Kellerman owns the N 1/2 NE 1/4 of Section 17.

It was moved by Manager Melvin and seconded by Manager Suhr to approve *Application to Install a Subsurface Drain No. 20148* dated June 18, 2014, for Bradley Kellerman and David Braaten in the N 1/2 of Section 18 and the W 1/2 SW 1/4 of Section 18 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. North Half of Northwest Quarter of Section 17; and
 - b. North Half of Northeast Quarter of Section 17;

- 2) That Applicants obtain easements from the owner of any land, besides land owned by Applicants, on which Applicants will construct the tile system;
- 3) 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;
- 4) That Applicants notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 5) 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;
- 6) That Applicants must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Board; and
- 7) 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 #201412 for Donald Kellerman and Bradley Kellerman in the NE 1/4 of Section 17 in Davenport Township

The Board reviewed *Application to Install a Subsurface Drain #201412* for Donald Kellerman and Bradley Kellerman in the NE 1/4 of Section 17 in Davenport Township. *Thirty-Day Notices* have been sent out to downstream landowners.

Utility Permit for Cass County Electric Cooperative to install underground power cable across Drain #39 in Section 24 of Leonard Township

It was moved by Manager Suhr and seconded by Manager Melvin to approve the *Utility Permit* for Cass County Electric Cooperative to install underground power cable across Drain #39 in Section 24 of Leonard Township, with conditions provided by the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Drain #14 – repair of Sites A and C

It was moved by Manager Melvin and seconded by Manager Suhr to authorize Moore Engineering, Inc. to proceed with the following repairs:

- Drain #14 – Sites A and C (erosion repair and placement of rip-rap on low water crossings).

Upon roll call vote, the motion carried unanimously.

Solicitation of views and comments from the North Dakota Department of Transportation regarding improvements to State Highway 46 from 9 miles east of Enderlin to State Highway 18 (2016 construction)

The Board had no comments to submit to the NDDOT at this time regarding the improvements to State Highway 46, from 9 miles east of Enderlin to State Highway 18 (2016 construction).

Application No. 6636 for Kris Poulson to divert and appropriate water from ground water sources to irrigate 286.4 acres in the NW 1/4 and the SW 1/4 of Section 7 in Leonard Township

The Board had no comments to submit regarding *Application No. 6636* for Kris Poulson to divert and appropriate water from ground water sources to irrigate 286.4 acres in the NW 1/4 and the SW 1/4 of Section 7 in Leonard Township

Bills

It was moved by Manager Melvin and seconded by Manager Suhr to approve payment of Checks #5256 through #5266 and the electronic funds transfers, 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 Suhr, seconded by Manager Melvin and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer