

MINUTES OF SPECIAL AUDIO CONFERENCE CALL MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
NOVEMBER 10, 2015

The Maple River Water Resource District met on November 10, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman (by phone); Jurgen Suhr, Manager (by phone); Gerald Melvin, Manager (by phone); Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean M. Fredricks, Attorney for the Board (by phone); Mike Opat, Engineer for the Board (by phone); Levi Otis and Dustin Lundebly, Ellingson Drainage.

Application to Install a Subsurface Drain #201522 for Tharaldson Ethanol Plant I, LLC in Section 33 of Casselton Township

The Board reviewed *Application to Install a Subsurface Drain #201522* dated October 20, 2015, for Tharaldson Ethanol Plant I, LLC. 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 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 most of Section 33 in Casselton Township, Cass County, North Dakota. The project will include three outlets: 1) a gravity outlet that will discharge directly into Casselton Township Improvement District No. 62 (“Drain #62”); 2) a pump outlet that will discharge directly into Drain #62; and 3) another pump outlet for those portions of the tile lying within the railroad tracks that will discharge into a natural watercourse that runs southeast until finally outletting into Drain #62. The Maple River Water Resource District owns and operates Drain #62.

Mike Opat reviewed the application and recommended that, because the project will discharge into Drain #62, the Board should require Applicant to install and maintain erosion protection to protect Drain #62. Further, the Board will require Applicant to execute a *Utility Permit* regarding Applicant’s intention to utilize Drain #62 as an outlet. Because the proposed project will discharge directly into Drain #62, 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, Tharaldson Ethanol Plant I, LLC owns all of those portions of Section 33 Applicant intends to tile.

It was moved by Manager Olson and seconded by Manager Melvin to approve a *Utility Permit* regarding Applicant's intention to utilize Drain #62 as an outlet, and to approve *Application to Install a Subsurface Drain #201522* dated October 20, 2015, for Tharaldson Ethanol Plant I, LLC in Section 33 of Casselton Township, subject to the following conditions:

- 1) That Applicant obtain easements 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 into Casselton Township Improvement District No. 62 (Applicant is solely responsible for any damages to Drain #62 as a result of the tile project);
- 3) That Applicant notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That, upon a determination by, and notice from, the Maple River Water Resource District that Drain #62 is full or otherwise unable to accommodate the discharge of water from Applicant's tile system, Applicant must turn off any and all pumps;
- 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;
- 6) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Maple River Water Resource District;
- 7) That Applicant obtain an approved *Utility Permit* from the Maple River Water Resource District regarding any and all outlets into Drain #62; 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.

Adjournment

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer