

MINUTES OF MEETING  
RUSH RIVER WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
OCTOBER 21, 2014

The Rush River Water Resource District met on October 21, 2014, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Raymond Wolfer, Chairman; William A. Hejl, Manager; Dick Sundberg, Manager; Carol Harbeke Lewis, Secretary-Treasury; Julie Zaeske Norman, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Mike Opat and Alexa Ducioame, Engineers for the Board; Steve Faught, Empire Township Chairman; Lloyd Knight, David Strand and David Baumler, Amenia Township property owners.

**Minutes**

It was moved by Manager Hejl, seconded by Manager Sundberg and unanimously carried to approve the minutes of the August 19, 2014, meeting.

**Drain #30 Channel Improvements**

Information was reviewed relating to the bond issue for the Drain #30 Channel Improvements Project. Additional minutes are attached hereto.

Mike Opat stated that the State Water Commission passed the new cost share policy. New submissions will be subject to the new policy effective October 1, 2014.

It was moved by Manager Hejl and seconded by Manager Sundberg to approve and authorize the Chairman to sign the State Water Commission *Agreement for Cost Share Reimbursement* regarding the Drain #30 Channel Improvements Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Hejl and seconded by Manager Sundberg to award the contract for the Drain #30 Channel Improvements Project to H & S Contracting, Inc. for the low bid of \$310,307.50. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Hejl and seconded by Manager Sundberg to approve the *Purchase Agreement* with Heiden Family LLLP regarding the Drain #30 Channel Improvements Project. Upon roll call vote, the motion carried unanimously.

**Drain #52 reassessment**

Mike Opat reviewed the comments received on the Drain #52 reassessment with the Board. Additional minutes relating to the matter are attached hereto.

**Amenia Township Improvement District No. 74**

Mr. Opat stated that the Amenia Township Improvement District No. 74 project is complete. The pay request for the project will be submitted at the next meeting. Upon the recommendation of the Water Resource District Attorney and Engineer, the claim previously filed due to delays in project completion will be dismissed.

**Lower Rush River – culvert in the NW 1/4 of Section 9 in Harmony Township**

Mr. Opat reported that work is progressing on clearing the culvert in the NW 1/4 of Section 9 of Raymond Township.

**Lower Rush River – low water crossing between Sections 10 and 11 in Raymond Township**

Mr. Opat updated the Board on the repair work being done on the low water crossing between Sections 10 and 11 in Raymond Township.

**Application to Install a Subsurface Drain #201414 for JG Family Partnership, LLLP, in the S 1/2 of the N 1/2 of Section 2 in Harmony Township**

The Board reviewed *Application to Install a Subsurface Drain #201414* dated August 27, 2014, for JG Family Partnership, LLLP. 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 the S 1/2 N 1/2 of Section 2 in Harmony Township, Cass County, North Dakota. The project will include a single gravity outlet that will discharge directly into that portion of the Rush River that the Rush River Water Resource District owns and operates as Cass County Drain #12.

Because the proposed project will discharge directly into Drain #12, the application did not require a *Thirty Day Notice* under N.D. Century 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, JG Family Partnership, LLLP, owns all of Section 2 in Harmony Township.

It was moved by Manager Hejl and seconded by Manager Sundberg to approve the *Utility Permit* to discharge into Cass County Drain #12, and to approve *Application to Install a Subsurface Drain #201414* dated August 27, 2014, for JG Family Partnership, LLLP, in the S 1/2 N 1/2 of Section 2 in Harmony 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 Cass County Drain #12 (Applicant is solely responsible for any damages to Cass County Drain #12 as a result of the tile project);
- 3) That Applicant notify the Rush River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicant notify the Rush 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;
- 5) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Board;
- 6) That Applicant obtain an approved *Utility Permit* from the Rush River Water Resource District regarding any and all outlets into Cass County Drain #12; and
- 7) 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.

**Results of Rush River WRD facilities inspection**

Discussion was postponed until the next meeting.

**Township approval / permit form for use with tile permit applications**

Mr. Fredricks presented the newly developed *Tile Discharge Permit* for use by townships on tile permit applications. Action on the approval of the form was tabled until the next meeting to allow Board members time to review the document.

**Bills**

It was moved by Manager Hejl and seconded by Manager Sundberg to approve payment of Checks #3961 through #3968 and the electronic funds transfer, as presented. Upon roll call vote, the motion carried unanimously.

**Adjournment**

There being no further business to be considered by the Board, it was moved by Manager Hejl, seconded by Manager Sundberg, and unanimously carried to adjourn the meeting.

APPROVED:

---

Raymond Wolfer  
Chairman

ATTEST:

---

Carol Harbeke Lewis  
Secretary-Treasurer