

MINUTES OF MEETING
RUSH RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
OCTOBER 18, 2016

The Rush River Water Resource District met on October 18, 2016, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Richard Sundberg, Manager; Jacob Gust, Manager (by phone); Carol Harbeke Lewis, Secretary-Treasurer; Kathy Grueneich, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; and Mike Opat, Engineer for the Board. Manager William A. Hejl was absent.

Minutes

It was moved by Manager Gust, seconded by Manager Sundberg and unanimously carried to approve the minutes of the August 19, 2016, meeting.

Geronimo Energy – Harmony Solar Project in Sections 10, 11 and 16 in Harmony Township

There was nothing before the Board to act on; therefore, they had no comment to submit regarding Geronimo Energy - Harmony Solar Project in Sections 10, 11 and 16 of Harmony Township.

Application to Install a Subsurface Drain No. 20164 for William Stibbe in the NE 1/4 of Section 11 in Dows Township

The Board reviewed *Application to Install a Subsurface Drain No. 20164* dated September 26, 2016, for William Stibbe. 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 NE 1/4 of Section 11 in Dows Township, Cass County, North Dakota. The project will include a pump outlet located in the southeast corner of the NE 1/4 of Section 11; the pump will discharge to the east across, under, or through the north-south township road along the boundary of the NE 1/4 of Section 11 and the NW 1/4 of Section 12; immediately upon discharging into the southwest corner of the NW 1/4 of Section 12, the tile discharge will flow into the Rush River.

Because the proposed project will discharge directly into the Rush River, 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. The Board will require Applicant to obtain permission from Dows Township regarding any use of Dows Township's road right of way or any improvements to or under the township road.

According to records on file with the Cass County Recorder's Office, Linda Loucks, Susan Salvucci, David Johnson, Mary Johnson, and Sandra Kiserow own the NE 1/4 of Section 11, subject to a life estate in Eugene and Lorraine Johnson.

A motion made by Manager Gust and seconded by Manager Sundberg to approve *Application to Install a Subsurface Drain No. 20164* dated September 26, 2016, for William Stibbe in the NE 1/4 of Section 11 in Dows Township, subject to the following conditions:

- 1) That Applicant obtain and record (with the Cass County Recorder's office) a permanent easement (and not just written consent), that permits Applicant to install, operate, and maintain a subsurface tile system from the record owners of the NE 1/4 of Section 11 in Dows Township, Cass County, North Dakota;
- 2) That Applicant obtain written permission from the Dows Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches, or to otherwise improve its township road;
- 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 turn off any pumps or otherwise close any outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Rush River Water Resource District; 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.

Cass County Joint Water Resource District report

Manager Gust reported on Cass County Joint Water Resource District meetings. The Metro Flood Diversion Project will continue to move forward despite the decision by the Minnesota Department of Natural Resources denying the *Dam Safety and Work in Public*

Waters permit application submitted by the Diversion Authority. The Corps of Engineers plans to award contracts for the diversion inlet structure by mid-November. The flood sales tax extension vote in November is an important funding factor.

Red River Joint Water Resource District report

Manager Sundberg reported on the Red River Joint Water Resource District meeting held September 28, 2016, in Grand Forks. Updates were provided on the Watershed Planning Teams, the USGS, and Water Resource District quick-take eminent domain authority.

Rush River Watershed Planning Team update

Manager Sundberg has been in contact with Pat Downs, Moore Engineering, Inc., concerning the Rush River Watershed Planning Team. Mr. Downs indicated the next set of meetings will be scheduled soon. Mr. Opat said work continues on possible models that will consider conservation land treatments.

Bills

It was moved by Manager Gust and seconded by Manager Sundberg to approve payment of Checks #4188 through #4209 and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Sundberg and Gust. Manager Hejl was absent. Motion carried.

Rush River maintenance

Manager Sundberg relayed he had been contacted about a question concerning the assessment on the Rush River. The Board looked at the amount assessed, the balance in the fund and the amount needed to cover planned future maintenance. They concluded the amount is justified.

Adjournment

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

APPROVED:

William A. Hejl
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer