

FM AREA DIVERSION PROJECT

# Property Owner Information Packet for Cass County Commission

October 18<sup>th</sup>, 2021

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PROPERTY OWNER: Richard Farm Enterprises LP

LAND AGENT: Ken Helvey with SRF

OIN: 1087 1093



# TABLE OF CONTENTS

WRITTEN CORRESPONDENCE TIMELINE.....	1
L.R.E.D CHECKLIST FOR COMPLIANCE WITH N.D. CENTURY CODE .....	2
NEGOTIATING SUMMARY .....	4
PARCEL EXHIBIT .....	5
OFFER TO PURCHASE .....	6
<i>Proof of Delivery</i> .....	9
FORMAL NEGOTIATIONS AND WRITTEN OFFER OF JUST COMPENSATION .....	10
<i>Proof of Delivery</i> .....	15-21
REQUEST FOR MEETING.....	22
<i>Proof of Delivery</i> .....	24-30
NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY .....	31
<i>Proof of Delivery</i> .....	33-39
REQUEST FOR APPROVAL TO TAKE POSSESSION OF NECESSARY RIGHT OF WAY AND TEMPORARY EASEMENT .....	40
INVITATION TO ATTEND PUBLIC MEETING.....	46
<i>Proof of Delivery</i> .....	52-58
AFFIDAVIT OF LAND AGENT .....	59
<i>Contact Log</i> .....	64
AFFIDAVIT OF DAN JACOBSON FOR CASS COUNTY COMMISSION.....	65

Written Correspondence Timeline – Richard Farm Enterprises LP

OIN 1087 1093	Sent	Received
Offer to Purchase	01/27/2021	01/28/2021
Formal Negotiations and Written Offer of Just Compensation	05/04/2021	05/05/2021
Request for Meeting	06/03/2021	06/04/2021
Notice of Intent to Take Possession of Right-of-Way	07/20/2021	07/28/2021
Request for Approval to Take Possession of Necessary Right-of-Way and Temporary Easement	09/03/2021	09/03/2021
Invitation to Attend Public Meeting	09/08/2021	09/09/2021
Commission Meeting Date	10/18/2021	

**CASS COUNTY COMMISSION**  
**CHECKLIST — COMPLIANCE WITH N.D. CENT. CODE § 61-16.1-09(2)**  
**FARGO-MOORHEAD AREA DIVERSION PROJECT**

A. Subject Property Information:

1. Landowners: Richard Farm Enterprises, LP, CR-JR-L Limited Partnership, Claude Richard, Gerald Richard, Lucy Sabo, Donna Carlson, and Frances Zimmerman
2. Land Agent: Ken Helvey
3. Parcel Nos.: 64-0000-02610-000, 64-0000-02710-030
4. OIN Nos.: 1087, 1093

B. Verification:

1. NDCC § 61-16.1-09(2)(b)(1)(a) requires the Cass County Joint Water Resource District (“CCJWRD”) to conduct 60 days of informal negotiations.
  - Did CCJWRD verify at least 60 days of informal negotiations with Landowners: \_\_\_\_\_
2. NDCC § 61-16.1-09(2)(b)(1)(b)[1] requires CCJWRD to send the Landowners an appraisal and written offer for just compensation by certified mail or commercial delivery requiring a signed receipt or other evidence of constructive notice.
  - Did CCJWRD verify it sent Landowners an appraisal; addendum to appraisal; and written offer for just compensation: \_\_\_\_\_
  - Did CCJWRD verify service of the appraisal; addendum to appraisal; and offer by certified mail or commercial delivery, and that Landowners either signed for them or had constructive notice: \_\_\_\_\_
3. NDCC § 61-16.1-09(2)(b)(1)(b)[2] requires CCJWRD to send Landowners a written request for a meeting by certified mail or commercial delivery requiring a signed receipt [if the parties have not come to an agreement within 15 days of Landowners’ receipt of notice of CCJWRD’s offer].
  - Did CCJWRD verify it sent Landowners a written request for a meeting by certified mail or commercial delivery, and that Landowners either signed for the notice or had constructive notice: \_\_\_\_\_



4. NDCC § 61-16.1-09(2)(b)(1)(b)[3] requires CCJWRD to send Landowners a written notice of intent to take possession of the right of way easement and easement for term of years, by certified mail or commercial delivery requiring a signed receipt [if the parties have not come to an agreement within 30 days of Landowners' receipt or notice of CCJWRD's invitation to a meeting].
  - Did CCJWRD verify it sent a written notice of intent to take possession of the right of way easement and easement for term of years, by certified mail or commercial delivery, and that Landowners either signed for the notice or had constructive notice: \_\_\_\_\_
5. NDCC § 61-16.1-09(2)(b)(2) requires all written communications to Landowners to include contact information for responding to CCJWRD and a description of the required negotiation timeline.
  - Did CCJWRD verify that all written communications to Landowners included contact information for responding to CCJWRD and a description of the required negotiation timeline: \_\_\_\_\_
6. NDCC § 61-16.1-09(2)(b)(3) prohibits a district from including or utilizing any reference to quick take eminent domain during negotiations.
  - Did CCJWRD verify it did not include or utilize any reference to quick take eminent domain during negotiations: \_\_\_\_\_

If the Commission answers in the affirmative to the above questions,

**RECOMMENDED MOTION:**

- I move to authorize the Cass County Joint Water Resource District to utilize quick take eminent domain under Section 61-16.1-09(2) of the North Dakota Century Code to take an easement for a right of way and easement for term of years regarding OINs 1087 and 1093.

# FM Area Diversion Project Negotiation Summary

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October 18, 2021

OIN	1087 1093
Property Owner	Richard Farm Enterprises, LP
Mailing Address	4300 88 <sup>th</sup> Ave S, Fargo, ND 58104
Property Location	Drain 27
Property Type	Agriculture
Land Agent	Ken Helvey - SRF
Landowner Representative	Nick Delaney

## Property Need

The parcels are within the Drain 27 Southern Embankment area associated with the Project. The Diversion Authority is required to obtain a portion of the parcels for the area.

## Valuation and Negotiation Summary:

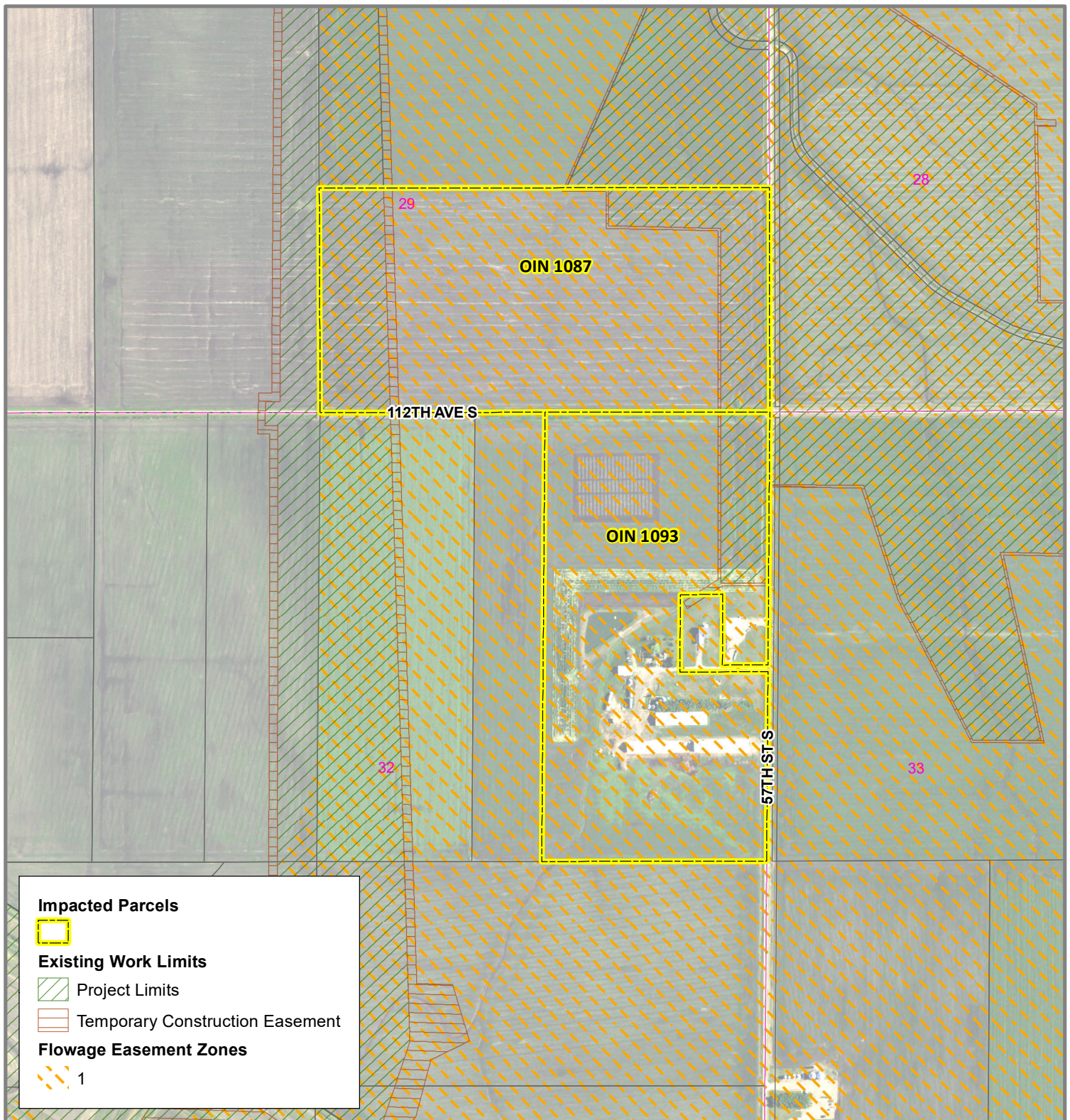
Appraisal Value / Date	\$367,050 – January 2021 30.923 acres times \$11,787 per acre- \$364,500 2.862 acres of TCE- \$2550
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## Miscellaneous Provisions

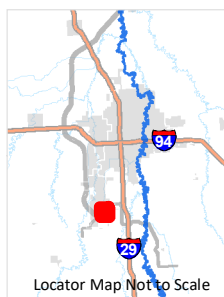
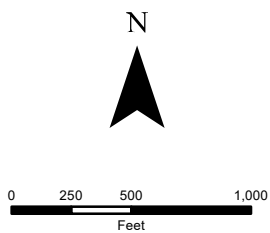
No counteroffer received to date

See Exhibit A to affidavit for notes





Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use. All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey. Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Produced by: hrecords - AE2S, LLC | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\IndividualLayout\_NotDataDriven.mxd



**RICHARD FARM ENTERPRISES LP ET AL**

**OINs: 1087, 1093**

**Parcel IDs: 64-0000-02610-000, 64-0000-02710-030**

**Cass County, ND**





January 27, 2021

SRF No. 13783.00

Richard Farm Enterprises  
Frances Zimmerman, Trustee  
21 2<sup>nd</sup> St N  
Leonard, ND 58052

RE: **Offer to Purchase - Addendum**  
**Parcel ID:** OIN 1087 1093 1095  
**Project Title:** Fargo Moorhead Diversion  
**PID:** 64-0000-02610-000; 64-0000-02710-030; 64-0000-02710-025

Dear Richard Farm Enterprises,

The Cass County Joint Water Resource District (CCJWRD) and other partners are constructing a flood control improvement project in your area. The CCJWRD has hired SRF Consulting Group Inc. to aid in the acquisition of right-of-way for the project. You are receiving this letter as the owner of property that must be acquired for the project. This letter conveys CCJWRD's offer to purchase all interests in the real property that are necessary for the project. The interests being purchased (the "Parcel") are listed on Exhibit A (Acquisition Summary) and shown on Exhibit B (Certificate of Survey), and the amount stated in this letter as the purchase amount is for all of those interests. If the Parcel includes interests that another person or entity may own (for example a mortgage lender or easement holder), the CCJWRD's offer is contingent on all parties with interest agreeing to the amount and allocation of the purchase funds.

To determine market value of the interest being acquired, CCJWRD retained the services of the independent property appraisal firm, Patchin Messner. The appraiser has determined that the market value of the interests being purchased is **\$367,050**. The CCJWRD has used the market value set forth in the appraisal as the basis for determining Just Compensation for the property interests being acquired from you. A copy of the appraisal and addendum is attached to this letter and provided to you. An addendum was added to the original appraisal as it was updated for the purchase of your real property associated only with Drain 27 Wetland Restoration Project. As stated in the Addendum of the Appraisal, previously the after condition of the real property appraisal was assuming the larger upstream mitigation project, however this appraisal now just directly addresses the impacts associated specifically to the Drain 27 Wetland Restoration Project. Any severance caused by the establishment of a flowage easement will be addressed at a later date in that respective appraisal. Therefore, we have updated our offer letter to reflect the interests being purchased. If the purchase amount is based on any conditions or exceptions (such as terms of the transfer of possession or retention of any interest); they will be included in Exhibit A. A summary of the appraisal is provided on Exhibit A (Appraisal Summary).

**The Cass County Joint Water Resource District hereby offers to pay you \$367,050 as Just Compensation for the property interests it must acquire from you. The CCJWRD is also willing to continue negotiations with you pre the previous offer. However, at this time only the land needed for the Drain 27 Project is needed.**

[www.srfconsulting.com](http://www.srfconsulting.com)

Case Plaza, One North Second Street, Suite 226 | Fargo, ND 58102-4801 | 701.237.0010 Fax: 1.866.440.6364

*Equal Employment Opportunity / Affirmative Action Employer*

Once we agree on the basic terms of an agreement for you to sell, and the CCJWRD to buy the property interests described in this letter, a Purchase Agreement will be drafted and presented to you for approval. The Purchase Agreement will contain all of the pertinent terms and conditions of this offer, as well as several standard legal, property acquisition terms. The Purchase Agreement will be between you and the CCJWRD.

We appreciate your willingness to negotiate with the CCJWRD. We request counteroffers or acceptance of this offer within 30 days from the date of this letter. CCJWRD has flexibility regarding closing, rent and/or leaseback options. We also support 1031-1033 tax exchanges.

If you have any questions about the acquisition process, please contact me at 763-249-0773 or by email at [khelvey@srfconsulting.com](mailto:khelvey@srfconsulting.com). We are here to help you understand the process and to assist in negotiating a fair direct purchase of the Parcel, however, we do not represent you. We are willing to meet with you in person as well as set up a time to discuss questions on the phone.

Upon receipt of this letter, please sign below. Your signature indicates only that you have received this Offer to Purchase, and the following documents:

- Copy of the appraisal for Parcel ID OIN 1087 1093 1095 by Patchin Messner.
- Exhibit A (Acquisition Summary), and Exhibit B (Certificate of Survey)

Your signature DOES NOT indicate your acceptance or rejection of the offered amount. Nor does it affect your right to continue to negotiate with the CCJWRD.

On behalf of CCJWRD, we wish to thank you for your cooperation and assistance, and we look forward to working with you toward a mutually satisfactory completion of the acquisition process.

Sincerely,



Ken Helvey  
Principal  
Direct # 763-249-0773  
[khelvey@srfconsulting.com](mailto:khelvey@srfconsulting.com)

cc: Nicholas Delaney

I acknowledge that on \_\_\_\_\_, 20 \_\_\_\_, I received this letter and all documents listed above.

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Frances Zimmerman, Trustee

*Required Notice: Schedule and Cass County Joint Board Information can be found at:  
<https://fmdiversion.gov/lands-schedule/>*

Enclosures: Appraisal Report, Exhibit A, Exhibit B

I:\Projects\7715-18\RW\_Parcels\1087\_1093\_1095 - Richard Farm Enterprises LP\OIN 1087 1093 1095 Richard Farm Offer Letter with Addendum.docx

**EXHIBIT A**

**ACQUISITION SUMMARY  
Fargo Moorhead Diversion**

**Offer to Purchase - Addendum**

**Parcel ID:** OIN 1087 1093 1095

**Project Title:** Fargo Moorhead Diversion

**PID:** 64-0000-02610-000; 64-0000-02710-030; 64-0000-02710-025

Recorded Fee Owner: Richard Farm Enterprises

Property Legal Description:

SEE ATTACHED SURVEY

Description of Property Interests to be Acquired: Fee Simple and Easement

Noted and Waived Exceptions, Reservations or Encumbrances: None

\*Unless otherwise noted, any offer to purchase is contingent on the following:

1. Demonstration of marketable title,
2. Conveyance of all interests identified, unless waived in writing by the Cass County Joint Water Resource District,
3. Execution of a purchase agreement signed by the Cass County Joint Water Resource

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**APPRAISAL ADDENDUM SUMMARY**

<b>Parcel Value</b>	<b>Area Size/ Description</b>	<b>Per Unit</b>	<b>Indicated Value</b>
<b>Land/Site Taking</b>	30.923 Acres	\$ 11,787	\$ 364,500
<b>Easement</b>	2.862 Acres		\$ 2,550
<b>TOTAL (rounded)</b>			<b>\$ 367,050</b>

Track Another Package +

1087 1093 1095  
Richard Farm

Tracking Number: 9505511429321027567662

Remove X

Your item was delivered to a parcel locker at 7:51 am on January 28, 2021 in LEONARD, ND 58052.

USPS Tracking Plus<sup>™</sup> Available ∨

## Delivered

January 28, 2021 at 7:51 am  
Delivered, Parcel Locker  
LEONARD, ND 58052

Get Updates ∨

Feedback

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Text & Email Updates ∨

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Tracking History ∨

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USPS Tracking Plus<sup>™</sup> ∨

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Product Information ∨

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See Less ^





CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Cass County  
Joint Water  
Resource  
District

May 4, 2021

Claude Richard  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6078**

Gerald Richard  
c/o Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6030**

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Lucy Sabo  
c/o Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6061**

Donna Carlson  
c/o Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6023**

Rodger Olson  
Manager  
Leonard, North Dakota

Frances Zimmerman  
c/o Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6054**

CR-JR-L Limited Partnership  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6016**

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6047**

Keith Weston  
Manager  
Fargo, North Dakota

Greetings:

RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
Formal Negotiations and Written Offer of Just Compensation  
OINs: 1087, 1093  
Parcel Nos.: 64-0000-02610-000, 64-0000-02710-030

Carol Harbeke Lewis  
Secretary-Treasurer  
  
1201 Main Avenue West  
West Fargo, ND 58078-1301

The Cass County Joint Water Resource District (the "District") is in the process of acquiring property interests necessary for the Fargo-Moorhead Area Diversion Project (the "Project"), and the District has been in discussions with you regarding right of way the District must acquire from you to accommodate the Project. The District directed me to provide you this letter as the District's formal offer to purchase a right of way easement and easement for term of years from you. More specifically, to accommodate the Project, the District must acquire a right of way easement and an easement for term of years from you over property located in Cass County and identified as Parcel Identification Numbers 64-0000-02610-000 and 64-0000-02710-030. The legal description of the property to be acquired is:

701-298-2381  
FAX 701-298-2397  
[wrld@casscountynnd.gov](mailto:wrld@casscountynnd.gov)  
[casscountynnd.gov](http://casscountynnd.gov)



Right of Way Easement

OIN 1087

That part of the Southwest Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southwest corner of said Southeast Quarter; thence North 87°56'36" East, along the southerly line of said Southeast Quarter, for a distance of 414.11 feet; thence North 03°43'33" West for a distance of 1322.90 feet to a point of intersection with the northerly line of the Southwest Quarter of said Southeast Quarter; thence South 87°58'11" West, along the northerly line of the Southwest Quarter of said Southeast Quarter, for a distance of 379.25 feet to the northwest corner of the Southwest Quarter of said Southeast Quarter; thence South 02°12'57" East, along the westerly line of said Southeast Quarter, for a distance of 1322.52 feet to the point of beginning.

Said tract contains 12.043 acres, more or less, and is subject to easements as may be of record.

AND

That part of the Southeast Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southeast corner of said Southeast Quarter; thence South 87°56'36" West, along the southerly line of said Southeast Quarter, for a distance of 290.53 feet; thence North 02°05'05" West for a distance of 1083.87 feet; thence South 89°13'40" West for a distance of 656.32 feet; thence North 02°52'00" West for a distance of 223.17 feet to a point of intersection with the northerly line of the Southeast Quarter of said Southeast Quarter; thence North 87°58'11" East, along the northerly line of the Southeast Quarter of said Southeast Quarter, for a distance of 949.14 feet to the northeast corner of the Southeast Quarter of said Southeast Quarter; thence South 02°06'37" East, along the easterly line of said Southeast Quarter, for a distance of 1321.29 feet to the point of beginning.

Said tract contains 12.282 acres, more or less, and is subject to easements as may be of record.

AND

OIN 1093

That part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the northeast corner of said Northeast Quarter; thence South 87°56'36" West, along the northerly line of said Northeast Quarter, for a distance of 290.53 feet;

thence South 02°05'05" East for a distance of 1002.42 feet; thence North 88°38'10" East for a distance of 281.97 feet to a point of intersection with the easterly line of said Northeast Quarter; thence North 01°35'46" West, along the easterly line of said Northeast Quarter, for a distance of 1005.86 feet to the point of beginning.

Said tract contains 6.598 acres, more or less, and is subject to easements as may be of record.

AND

Easement for Term of Years

OIN 1087

That part of the Southwest Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 50.00-foot-wide strip of land, lying easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Southeast Quarter; thence North 87°56'36" East, along the southerly line of said Southeast Quarter, for a distance of 414.11 feet to the true point of beginning of the line to be described; thence North 03°43'33" West for a distance of 1322.90 feet to a point of intersection with the northerly line of the Southwest Quarter of said Southeast Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the southerly line of said Southeast Quarter on the south, and to intersect the northerly line of the Southwest Quarter of said Southeast Quarter on the north.

Said tract contains 1.518 acres, more or less.

AND

That part of the Southeast Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 15.00-foot-wide strip of land, lying westerly and southerly of and being coincident with the following described line:

Commencing at the southeast corner of said Southeast Quarter; thence South 87°56'36" West, along the southerly line of said Southeast Quarter, for a distance of 290.53 feet to the true point of beginning of the line to be described; thence North 02°05'05" West for a distance of 1083.87 feet; thence South 89°13'40" West for a distance of 656.32 feet; thence North 02°52'00" West for a distance of 223.17 feet to a point of intersection with the northerly line of the Southeast Quarter of said Southeast Quarter; thence South 87°58'11" West, along the northerly line of the Southeast Quarter of said Southeast Quarter, for a distance of 270.89 feet, said line there



terminating. Said strip shall be lengthened or shortened as necessary to intersect the southerly line of said Southeast Quarter of the south.

Said tract contains 0.764 acres, more or less.

AND

OIN 1093

That part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence South 87°56'36" West, along the northerly line of said Northeast Quarter, for a distance of 290.53 feet to the true point of beginning; thence South 02°05'05" East for a distance of 1002.42 feet; thence North 88°38'10" East for a distance of 281.97 feet to a point of intersection with the easterly line of said Northeast Quarter; thence South 01°35'46" East, along the easterly line of said Northeast Quarter, for a distance of 15.00 feet; thence South 88°38'08" West for a distance of 271.36 feet; thence South 54°58'11" West for a distance of 103.80 feet to a point of intersection with the northerly line of a tract described in Document No. 1419124, on file at the Cass County Recorder's Office; thence South 87°29'24" West, along the northerly line of said tract, for a distance of 83.71 feet; thence North 54°58'11" East for a distance of 173.17 feet; thence North 02°05'05" West for a distance of 980.45 feet to a point of intersection with the northerly line of said Northeast Quarter; thence North 87°56'36" East, along the northerly line of said Northeast Quarter, for a distance of 15.00 feet to the true point of beginning.

Said tract contains 0.580 acres, more or less.

Enclosed is an appraisal and addendum to appraisal regarding the value of the right of way easement and an easement for term of years the District must acquire from you, as determined by a licensed North Dakota appraiser. As you can see from the appraisal and addendum, the appraiser indicated the value of the right of way easement the District must acquire from you is \$364,500.00, the easement for term of years is \$2,550.00, for a total purchase price of \$367,050.00. The District approved the appraisal and the addendum, and this letter is the District's offer to you in the amount of \$367,050.00 as just compensation to purchase the right of way easement and the easement for term of years from you for the Project. If you are willing to accept the District's offer, please sign the enclosed Purchase Agreement and return it to the District in the enclosed self-addressed, stamped envelope.

You are encouraged to maintain contact with the land agent assigned to your property. **Ken Helvey** of SRF Consulting Group, Inc. can be reached at **(763) 249-6785** or **khelvey@srfconsulting.com**. Ken is your point of contact for getting answers to any questions you have about the Project and acquisition of the required right of way easement and easement for term of years from you for the Project.

Richard Farm Enterprises, LP et al.  
May 4, 2021  
Page 5

For your information, North Dakota law requires the District to provide you with a description of the District's negotiation timeline regarding your right of way easement and easement for term of years. If you do not accept the District's offer of just compensation and do not return a signed Purchase Agreement within fifteen (15) days, the District will send you a written request to discuss the Project and required right of way easement and easement for term of years to be acquired at an upcoming Cass County Joint Water Resource District meeting. Ultimately, the District must conclude all negotiations and complete all acquisitions by Fall 2021.

We look forward to reaching a mutually acceptable agreement to resolve this matter. Thank you for your consideration.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



Carol Harbeke Lewis  
Secretary-Treasurer  
1201 Main Avenue West  
West Fargo, ND 58078  
(701) 298-2381  
Lewisc@casscountynnd.gov

Enclosures

cc: Nicholas R. Delaney, Rinke Noonan  
Ken Helvey, Land Agent  
Eric Dodds, Program Manager, AE2S  
Chris McShane, Ohnstad Twichell, P.C.  
Chad Peterson, Cass County Commission Chair  
Robert Wilson, Cass County Administrator  
Birch Burdick, Cass County State's Attorney  
Joel Paulsen, Executive Director, Diversion Authority

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 CR-JR-6 LIMITED PARTNERSHIP  
 4300 88TH AVENUE SOUTH  
 FARGO ND 58104



9590 9402 6141 0209 1910 00

2. Article Number (Transfer from service label)  
 7020 1290 0001 0393 6016

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Rita Richard*  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
*Rita Richard* 5-5-21

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input checked="" type="checkbox"/> Certified Mail®                    | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |

Domestic Return Receipt



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 DONNA CARLSON  
 C/O RICHARD FARM ENTERPRISES LP  
 4300 89TH AVENUE SOUTH  
 FARGO ND 58104



9590 9402 6141 0209 1910 17

2. Article Number (Transfer from service label)  
 7020 1290 0001 0393 6023

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Rita Richard*  Agent  Addressee

B. Received by (Printed Name) *Rita Richard* C. Date of Delivery *5-5-21*

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 GERALD RICHARD  
 610 RICHARD FARM ENTERPRISES LP  
 4300 95TH AVENUE SOUTH  
 FARGO ND 58104



9590 9402 6141 0209 1910 24

2. Article Number (Transfer from service label)

7020 1290 0001 0393 6030

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Rita Richard*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*Rita Richard* 5-5-21

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 RICHARD FARM ENTERPRISES LP  
 4300 83TH AVENUE SOUTH  
 FARCO ND 58104



9590 9402 6141 0209 1910 31

2 Article  
 702

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 *Rita Richard*  Agent  
 Addressee

B. Received by (*Printed Name*) *Rita Richard* C. Date of Delivery *5-5-21*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Advice of Confirmation™
  - Return Receipt for Confirmation and Delivery



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 FRANCES ZIMMERMAN  
 C/O RICHARD ENTERPRISES LP  
 4300 98TH AVENUE SOUTH  
 FARGO ND 58104



9590 9402 6141 0209 1910 48

2. Article Number (Transfer from service label)

7020 1290 0001 0393 6054

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X Rita Richard  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
 Rita Richard 5-5-21

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LUCY SABO  
 410 RICHARD FARM ENTERPRISES LP  
 4300 98TH AVENUE SOUTH  
 FARGO ND 58104



9590 9402 6141 0209 1910 55

2. Article Number (Transfer from service label)

7020 1290 0001 0393 6061

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Rita Richard  Addressee

B. Received by (Printed Name) C. Date of Delivery  
 Rita Richard 5-5-21

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input checked="" type="checkbox"/> Certified Mail®                    | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 CLAUDE RICHARD  
 4300 88TH AVENUE SOUTH  
 FARGO ND 58104



9590 9402 6141 0209 1910 62

2. Article Number (Transfer from service label)  
 7020 1290 0001 0393 6078

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 x Rita Richard  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
 Rita Richard 5-5-21

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery



**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

June 3, 2021

**Cass County  
Joint Water  
Resource  
District**

Claude Richard  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6405**

Gerald Richard  
c/o Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6443**

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Lucy Sabo  
c/o Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6412**

Donna Carlson  
c/o Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6450**

Rodger Olson  
Manager  
Leonard, North Dakota

Frances Zimmerman  
c/o Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6429**

CR-JR-L Limited Partnership  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6467**

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6436**

Keith Weston  
Manager  
Fargo, North Dakota

Greetings:

RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
Request for Meeting  
OINs: 1087, 1093  
Parcel Nos.: 64-0000-02610-000, 64-0000-02710-030

Carol Harbeke Lewis  
Secretary-Treasurer  
  
1201 Main Avenue West  
West Fargo, ND 58078-1301

As you know, the Cass County Joint Water Resource District (the "District") is in the process of developing the Fargo-Moorhead Area Diversion Project (the "Project"). The District previously provided you a letter dated May 4, 2021; a copy of the District's appraisal and addendum to appraisal for the right of way easement and an easement for term of years; and a Purchase Agreement as the District's offer of just compensation to purchase the right of way easement and easement for term of years from you. The District's letter specifically described the right of way easement and the easement for term of years the District must acquire from you for the Project. We have not received a signed Purchase Agreement from you, and we have not otherwise arrived at mutually acceptable terms regarding the District's purchase of the right of way easement and easement for term of years from you to accommodate the Project.

701-298-2381  
FAX 701-298-2397  
[wrд@casscountynд.gov](mailto:wrд@casscountynд.gov)  
[casscountynд.gov](http://casscountynд.gov)



Richard Farm Enterprises, LP et al.  
OINs 1087, 1093  
June 3, 2021  
Page 2

The District would like to discuss the District's offer to purchase the right of way easement and the easement for term of years from you at an upcoming meeting. The District requests your participation either at its meeting on June 10, 2021, or at its meeting on June 24, 2021; both meetings begin at 8:00 a.m. These will be virtual meetings so you can participate by Microsoft Teams or by telephone. The District is required by law to offer a physical location where the District will have a speakerphone or computer available for members of the public to view or participate in the meeting; with that in mind, if you prefer to utilize the District's speakerphone or computer to participate, you can do so at the District's office at 1201 Main Avenue West in West Fargo.

The District hopes you will attend one of the above-mentioned meetings to discuss the Project and the right of way easement and easement for term of years the District must acquire from you to accommodate the Project. If you would like to attend either meeting by Microsoft Teams or telephone, please contact me or Melissa Maertens at (701) 298-2381 at least 24 hours in advance of the meeting so the necessary arrangements can be made and the call-in information provided to you.

Please continue to maintain contact and negotiate with the land agent assigned to your property. **Ken Helvey** of SRF Consulting Group, Inc. is your point of contact for getting answers to any questions you have about the Project. Ken can be reached at **(763) 249-6785** or **khelvey@srfconsulting.com**.

North Dakota law requires the District to provide you with a description of the District's negotiation timeline regarding your right of way easement and easement for term of years. The District must conclude all negotiations and complete the acquisition of the right of way easement and the easement for term of years necessary for construction of Project components on your property by Fall of 2021.

The District hopes you will attend one of the upcoming District meetings to discuss the Project and the required right of way easement and easement for term of years. The District looks forward to meeting with you.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



Carol Harbeke Lewis  
Secretary-Treasurer  
1201 Main Avenue West  
West Fargo, ND 58078  
(701) 298-2381  
[lewisc@casscountynd.gov](mailto:lewisc@casscountynd.gov)

cc: Nicholas R. Delaney, Rinke Noonan  
Ken Helvey, Land Agent  
Eric Dodds, Program Manager, AE2S  
Chris McShane, Ohnstad Twichell, P.C.  
Chad Peterson, Chair, Cass County Commission  
Robert Wilson, Cass County Administrator  
Birch Burdick, Cass County State's Attorney  
Joel Paulsen, Executive Director, Diversion Authority

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

CLAUDE RICHARD  
 4300 88TH AVENUE SOUTH  
 FARGO ND 58104



9590 9402 6380 0303 3971 07

**2. Article Number (Transfer from service label)**

7020 1290 0001 0393 6405

**COMPLETE THIS SECTION ON DELIVERY**

**A. Signature**

*Rita Richard*

- Agent
- Addressee

**B. Received by (Printed Name)**

*Rita Richard*

**C. Date of Delivery**


*6-4-21*

**D. Is delivery address different from item 1? If YES, enter delivery address below:**

- Yes
- No

**3. Service Type**

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <b>X</b> <i>Rita Richard</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:  <b>LUCY SABO</b>  <b>C/O RICHARD FARM ENTERPRISES LP</b>  <b>4300 88TH AVENUE SOUTH</b>  <b>FARGO ND 58104</b></p>	<p>B. Received by (Printed Name) <b>Rita Richard</b> C. Date of Delivery <b>6-4-21</b></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>
 9590 9402 6380 0303 3970 91	<p>3. Service Type</p> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)
<p>Article Number (Transfer from service label)  <b>7020 1290 0001 0393 6412</b></p>	
PS Form 3811, July 2020 PSN 7530-02-000-9053	Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**FRANCES ZIMMERMAN**  
**40 RICHARD FARM ENTERPRISES LP**  
**4300 89TH AVENUE SOUTH**  
**FARGO ND 58104**



9590 9402 6380 0303 3970 84

2. Article Number (Transfer from service label)

**7020 1290 0001 0393 6429**

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X** *Kita Richard*  Agent  Addressee

B. Received by (Printed Name)

*Kita Richard* **6-4-21**

C. Date of Delivery


Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature</p> <p><input checked="" type="checkbox"/> <i>Rita Richard</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>RICHARD FARM ENTERPRISES LP  4300 88TH AVENUE SOUTH  FARGO ND 58104</p>	<p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Rita Richard</i> <i>6-4-21</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>
 9590 9402 6380 0303 3970 77	<p>3. Service Type</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Adult Signature</li> <li><input type="checkbox"/> Adult Signature Restricted Delivery</li> <li><input checked="" type="checkbox"/> Certified Mail®</li> <li><input type="checkbox"/> Certified Mail Restricted Delivery</li> <li><input type="checkbox"/> Collect on Delivery</li> <li><input type="checkbox"/> Collect on Delivery Restricted Delivery</li> <li><input type="checkbox"/> Insured Mail</li> <li><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</li> </ul> <ul style="list-style-type: none"> <li><input type="checkbox"/> Priority Mail Express®</li> <li><input type="checkbox"/> Registered Mail™</li> <li><input type="checkbox"/> Registered Mail Restricted Delivery</li> <li><input type="checkbox"/> Signature Confirmation™</li> <li><input type="checkbox"/> Signature Confirmation Restricted Delivery</li> </ul>
<p>2. Article Number (Transfer from service label)</p> <p>7020 1290 0001 0393 6436</p>	
PS Form 3811, July 2020 PSN 7530-02-000-9053	Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**GERALD RICHARD**  
**40 RICHARD FARM ENTERPRISES LP**  
**4300 85TH AVENUE SOUTH**  
**FARGO ND 58104**



9590 9402 6380 0303 3970 60

Article Number (Transfer from service label)  
**7020 1290 0001 0393 6443**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 **Rita Richard**  Agent  
 Addressee

B. Received by (Printed Name) **Rita Richard** C. Date of Delivery **6-4-21**

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 DONNA CARLSON  
 C/O RICHARD FARM ENTERPRISES LP  
 4300 88TH AVENUE SOUTH  
 FARGO ND 58104



9590 9402 6380 0303 3970 53

2. Article Number (Transfer from service label)  
 7020 1290 0001 0393 6450

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Rita Richard*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*Rita Richard* *6-4-21*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input checked="" type="checkbox"/> Certified Mail®                    | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       |   |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 CR-JR-L LIMITED PARTNERSHIP  
 4300 85TH AVENUE SOUTH  
 FARGO ND 58104



9590 9402 6380 0303 3970 46

2. Article Number (Transfer from service label)  
 7020 1290 0001 0393 6467

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Kita Richard*  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
 Kita Richard 10-4-21

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input checked="" type="checkbox"/> Certified Mail®                    | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       |   |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

July 20, 2021

Cass County  
Joint Water  
Resource  
District

Claude Richard  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6603**

Gerald Richard  
c/o Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6641**

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Lucy Sabo  
c/o Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6610**

Donna Carlson  
c/o Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6658**

Rodger Olson  
Manager  
Leonard, North Dakota

Frances Zimmerman  
c/o Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6627**

CR-JR-L Limited Partnership  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6665**

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

Richard Farm Enterprises, LP  
4300 88th Avenue South  
Fargo, ND 58104  
**Certified No. 7020 1290 0001 0393 6634**

Keith Weston  
Manager  
Fargo, North Dakota

Greetings:

RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY AND  
EASEMENT FOR TERM OF YEARS  
OINs: 1087, 1093  
Parcel Nos.: 64-0000-02610-000, 64-0000-02710-030

Carol Harbeke Lewis  
Secretary-Treasurer  
  
1201 Main Avenue West  
West Fargo, ND 58078-1301

701-298-2381  
FAX 701-298-2397  
[wrld@casscountynnd.gov](mailto:wrld@casscountynnd.gov)  
[casscountynnd.gov](http://casscountynnd.gov)

As you know, the Cass County Joint Water Resource District (the "District") is in the process of developing the Fargo-Moorhead Area Diversion Project (the "Project"). On behalf of the District, I previously provided you a letter dated May 4, 2021, a copy of the District's appraisal and addendum to appraisal for your right of way easement and your easement for term of years, and a Purchase Agreement as the District's offer of just compensation to purchase a right of way easement and an easement for term of years from you. In addition, I also provided you a letter dated June 3, 2021, to invite you to meet with the District for purpose of discussing the acquisition of the right of way easement and easement for term of years in and to your property. The parties have conducted the informal and formal negotiation procedures required by law but, unfortunately, the parties have not yet reached a mutually acceptable agreement regarding compensation for the District's purchase of the right of way easement and easement for term of years from you to accommodate the Project.

Richard Farm Enterprises, LP et al.  
OINs 1087, 1093  
July 20, 2021  
Page 2

This letter is the District's NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY AND EASEMENT FOR TERM OF YEARS. If we do not have an agreement, the District will be requesting approval from the Cass County Commission to take possession of a right of way easement and an easement for term of years in and to your property. Cass County will provide you with at least 30 days' notice of a public meeting, and will invite you to the meeting, to discuss the District's request.

This NOTICE does not preclude the parties from continuing negotiations. The District still hopes the parties can arrive at a mutually acceptable agreement.

You are encouraged to maintain contact with the land agent assigned to your property. **Ken Helvey** of **SRF Consulting Group, Inc.** can be reached at **(763) 249-6785** or **khelvey@srfconsulting.com**. Ken is your point of contact for getting answers to any questions you have about the Project and acquisition of the right of way and easement for term of years easement from you for the Project.

North Dakota law requires the District to provide you with a description of the District's negotiation timeline regarding your right of way easement and easement for term of years. Ultimately, the District must conclude all negotiations and complete all acquisitions by Fall 2021.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



Carol Harbeke Lewis  
Secretary-Treasurer  
1201 Main Avenue West  
West Fargo, ND 58078  
(701) 298-2381  
[lewisc@casscountynnd.gov](mailto:lewisc@casscountynnd.gov)

cc: Nicholas R. Delaney, Rinke Noonan  
Ken Helvey, Land Agent  
Eric Dodds, Program Manager, AE2S  
Chris McShane, Ohnstad Twichell, P.C.  
Chad Peterson, Chair, Cass County Commission  
Robert Wilson, Cass County Administrator  
Birch Burdick, Cass County State's Attorney  
Joel Paulsen, Executive Director, Diversion Authority



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CLAUDE RICHARD  
 4300 88TH AVE SOUTH  
 FARGO ND 58104



9590 9402 6380 0303 3968 89

2 Article Number (Transfer from service label)

7020 1290 0001 0393 6603

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X Claude Richard

- Agent
- Addressee

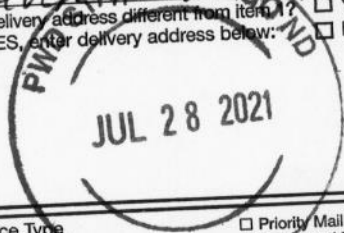
B. Received by (Printed Name)

Claude Richard

C. Date of Delivery

07/28/21

D. Is delivery address different from item label?  Yes  
If YES, enter delivery address below:  No



3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lucy SABO  
 C/O RICHARD FARM ENTERPRISES LP  
 4300 88TH AVENUE SOUTH  
 FARGO ND 58104



9590 9402 6380 0303 3968 72

2. Article Number (Transfer from service label)

7020 1290 0001 0393 6610

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Claude Kuban*  Agent  
 Addressee

B. Received by (Printed Name)

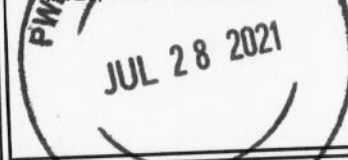
*Claude Kuban*

C. Date of Delivery

*07/28/21*

D. Is delivery address different from item 1?  Yes

No



3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt



**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**FRANCES ZIMMERMAN**  
**110 RICHARD FARM ENTERPRISES LP**  
**4300 88TH AVENUE SOUTH**  
**FARGO ND 58104**



2. Article Number (Transfer from service label)  
**7020 1290 0001 0393 6627**

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

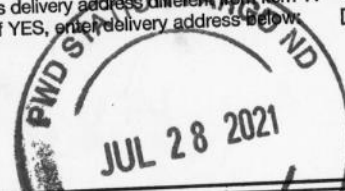
A. Signature  
 Agent  
 Addressee

*X Claude Richard*

B. Received by (Printed Name)  
**Claude Richard**

C. Date of Delivery  
**07/28/21**

D. Is delivery address different from item 1?  
 If YES, enter delivery address below:  Yes  No



3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

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**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GERALD RICHARD  
 C/O RICHARD FARM ENTERPRISES LP  
 4300 88TH AVENUE SOUTH  
 FARGO ND 58104



9590 9402 6380 0303 3968 41

2. Article Number (Transfer from service label)

7020 1290 0001 0393 6641

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Claude Richard*

- Agent
- Addressee

B. Received by (Printed Name)

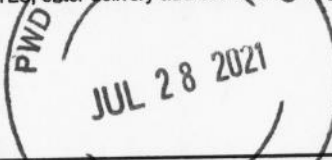
*Claude RICHARD*

C. Date of Delivery

*07/28/21*

D. Is delivery address different from item 1? If YES, enter delivery address below.

- Yes
- No



3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DONNA CARLSON  
 610 RICHARD FARM ENTERPRISES LP  
 4300 88TH AVE SOUTH  
 FARGO ND 58104



9590 9402 6380 0303 3968 34

2. Article Number (Transfer from service label)

7020 1290 0001 0393 6658

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Claude Richard*

Agent

Addressee

B. Received by (Printed Name)

*Claude Richard*

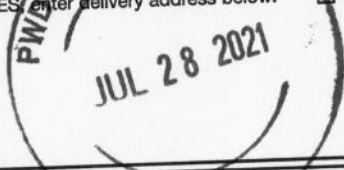
C. Date of Delivery

*07/28/21*

D. Is delivery address different from item? If YES, enter delivery address below:

Yes

No



3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Signature Confirmation™

Signature Confirmation Restricted Delivery

58104

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**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 CR2-JR-L LIMITED PARTNERSHIP  
 4300 88TH AVENUE SOUTH  
 FARGO ND 58104



9590 9402 6380 0303 3968 27

2. Article Number (Transfer from service label)

7020 1290 0001 0393 6665

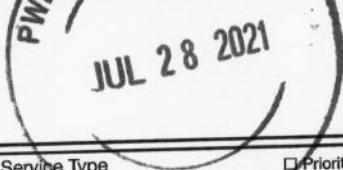
PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
 Clayton Farago 07/28/21

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below  No



3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt



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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 RICHARD FARM ENTERPRISES LP  
 4300 88TH AVENUE SOUTH  
 FARGO ND 58104



9590 9402 6380 0303 3968 58

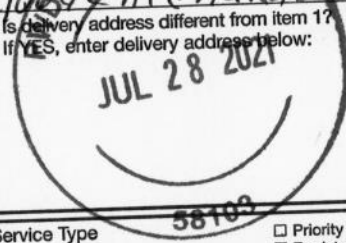
2. Article Number (Transfer from service label)

7020 1290 0001 0393 6634

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  
 Agent  
 Addressee  
 X *Claudia FARGO*
- B. Received by (Printed Name)  
 Claudia FARGO
- C. Date of Delivery  
 07/28/21
- D. Is delivery address different from item 1?  
 If YES, enter delivery address below:  
 Yes  
 No



3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt



SENT VIA EMAIL [wilsonro@casscountynd.gov](mailto:wilsonro@casscountynd.gov)

September 3, 2021

Cass County  
Joint Water  
Resource  
District

Robert Wilson  
Cass County Administrator  
Cass County Commission  
211 9th Street S  
Fargo, ND 58103

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Rodger Olson  
Manager  
Leonard, North Dakota

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

Keith Weston  
Manager  
Fargo, North Dakota

Greetings:

RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
Request for Approval to Take Possession of Necessary Right of Way  
Easement and Easement for Term of Years  
OINs: 1087, 1093  
Parcel Nos.: 64-0000-02610-000, 64-0000-02710-030

As you know, the Cass County Joint Water Resource District (the "District") is in the process of acquiring the right of way necessary for the Fargo Moorhead Diversion Area Project ("Project"). I previously copied you on the following three letters whereby the District sought to negotiate the acquisition of the right of way easement and easement for term of years from Richard Farm Enterprises, LP, CR-JR-L Limited Partnership, Claude Richard, Gerald Richard, Lucy Sabo, Donna Carlson, and Frances Zimmerman (the "Landowners"):

- Letter dated May 4, 2021, enclosing the District's appraisal and addendum to appraisal for the acquisition of the right of way easement and easement for term of years from the Landowners and a proposed Purchase Agreement;
- Letter dated June 3, 2021, inviting the Landowners to meet with the District for purposes of negotiating compensation for the right of way easement and easement for term of years to be acquired; and
- Letter dated July 20, 2021, notifying the Landowners the District planned to submit a request to the Cass County Commission seeking immediate possession of the right of way easement and easement for term of years necessary for the Project.

Carol Harbeke Lewis  
Secretary-Treasurer

1201 Main Avenue West  
West Fargo, ND 58078-1301

701-298-2381  
FAX 701-298-2397  
[wr@casscountynd.gov](mailto:wr@casscountynd.gov)  
[casscountynd.gov](http://casscountynd.gov)



The District has conducted months of negotiations with the Landowners to arrive at a mutually acceptable agreement for the District's purchase. More specifically, the District engaged in both informal and formal negotiations with the Landowners, as required under N.D. Cent. Code § 61-16.1-09(2)(b), in an effort to reach agreement regarding fair compensation to the Landowners for the acquisition of the necessary right of way easement and easement for term of years in, on, over, across, and through certain property owned by the Landowners in Cass County, North Dakota. The legal description of the necessary right of way easement and easement for term of years is as follows:

Right of Way Easement:

OIN 1087

That part of the Southwest Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southwest corner of said Southeast Quarter; thence North  $87^{\circ}56'36''$  East, along the southerly line of said Southeast Quarter, for a distance of 414.11 feet; thence North  $03^{\circ}43'33''$  West for a distance of 1322.90 feet to a point of intersection with the northerly line of the Southwest Quarter of said Southeast Quarter; thence South  $87^{\circ}58'11''$  West, along the northerly line of the Southwest Quarter of said Southeast Quarter, for a distance of 379.25 feet to the northwest corner of the Southwest Quarter of said Southeast Quarter; thence South  $02^{\circ}12'57''$  East, along the westerly line of said Southeast Quarter, for a distance of 1322.52 feet to the point of beginning.

Said tract contains 12.043 acres, more or less, and is subject to easements as may be of record.

AND

That part of the Southeast Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southeast corner of said Southeast Quarter; thence South  $87^{\circ}56'36''$  West, along the southerly line of said Southeast Quarter, for a distance of 290.53 feet; thence North  $02^{\circ}05'05''$  West for a distance of 1083.87 feet; thence South  $89^{\circ}13'40''$  West for a distance of 656.32 feet; thence North  $02^{\circ}52'00''$  West for a distance of 223.17 feet to a point of

intersection with the northerly line of the Southeast Quarter of said Southeast Quarter; thence North 87°58'11" East, along the northerly line of the Southeast Quarter of said Southeast Quarter, for a distance of 949.14 feet to the northeast corner of the Southeast Quarter of said Southeast Quarter; thence South 02°06'37" East, along the easterly line of said Southeast Quarter, for a distance of 1321.29 feet to the point of beginning. Said tract contains 12.282 acres, more or less, and is subject to easements as may be of record.

AND

OIN 1093

That part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the northeast corner of said Northeast Quarter; thence South 87°56'36" West, along the northerly line of said Northeast Quarter, for a distance of 290.53 feet; thence South 02°05'05" East for a distance of 1002.42 feet; thence North 88°38'10" East for a distance of 281.97 feet to a point of intersection with the easterly line of said Northeast Quarter; thence North 01°35'46" West, along the easterly line of said Northeast Quarter, for a distance of 1005.86 feet to the point of beginning.

Said tract contains 6.598 acres, more or less, and is subject to easements as may be of record. Said tract contains 39.863 acres, more or less, and is subject to easements as may be of record.

Easement for Term of Years:

OIN 1087

That part of the Southwest Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 50.00-foot-wide strip of land, lying easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Southeast Quarter; thence North 87°56'36" East, along the southerly line of said Southeast Quarter, for a distance of 414.11 feet to the true point of beginning of the line to be described; thence North 03°43'33" West for a distance of 1322.90 feet to a



point of intersection with the northerly line of the Southwest Quarter of said Southeast Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the southerly line of said Southeast Quarter on the south, and to intersect the northerly line of the Southwest Quarter of said Southeast Quarter on the north.

Said tract contains 1.518 acres, more or less.

AND

That part of the Southeast Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 15.00-foot-wide strip of land, lying westerly and southerly of and being coincident with the following described line:

Commencing at the southeast corner of said Southeast Quarter; thence South  $87^{\circ}56'36''$  West, along the southerly line of said Southeast Quarter, for a distance of 290.53 feet to the true point of beginning of the line to be described; thence North  $02^{\circ}05'05''$  West for a distance of 1083.87 feet; thence South  $89^{\circ}13'40''$  West for a distance of 656.32 feet; thence North  $02^{\circ}52'00''$  West for a distance of 223.17 feet to a point of intersection with the northerly line of the Southeast Quarter of said Southeast Quarter; thence South  $87^{\circ}58'11''$  West, along the northerly line of the Southeast Quarter of said Southeast Quarter, for a distance of 270.89 feet, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the southerly line of said Southeast Quarter of the south.

Said tract contains 0.764 acres, more or less.

AND

OIN 1093

That part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence South  $87^{\circ}56'36''$  West, along the northerly line of said Northeast Quarter, for a distance of 290.53 feet to the true point of beginning; thence South  $02^{\circ}05'05''$  East for a distance of 1002.42 feet; thence North  $88^{\circ}38'10''$  East

for a distance of 281.97 feet to a point of intersection with the easterly line of said Northeast Quarter; thence South 01°35'46" East, along the easterly line of said Northeast Quarter, for a distance of 15.00 feet; thence South 88°38'08" West for a distance of 271.36 feet; thence South 54°58'11" West for a distance of 103.80 feet to a point of intersection with the northerly line of a tract described in Document No. 1419124, on file at the Cass County Recorder's Office; thence South 87°29'24" West, along the northerly line of said tract, for a distance of 83.71 feet; thence North 54°58'11" East for a distance of 173.17 feet; thence North 02°05'05" West for a distance of 980.45 feet to a point of intersection with the northerly line of said Northeast Quarter; thence North 87°56'36" East, along the northerly line of said Northeast Quarter, for a distance of 15.00 feet to the true point of beginning.

Said tract contains 0.580 acres, more or less.

As you may recall, in 2017, the North Dakota Legislature modified the process for water resource districts to acquire immediate possession of right of way necessary for water projects; the new process is set forth in Section 61-16.1-09(2)(b). The District has followed all of the necessary steps under the statute, but the parties have not reached a mutually acceptable agreement. Under the new acquisition process enumerated in Section 61-16.1-09(2)(b)(3), the District must next seek the County Commission's approval to proceed further, and to ultimately utilize quick take eminent domain to take possession of the right of way easement and easement for term of years above to commence the Project.

More specifically, Section 61-16.1-09(2)(b)(3) requires the County Commission to hold a public meeting and to provide the Landowners no less than thirty days' notice of the meeting. The District will also attend the meeting, along with a representative of the land firm which was the Landowners' main point of contact throughout the negotiation process. Prior to the public meeting, the land firm representative and the District will verify neither the District nor any of its agents referenced or threatened quick take eminent domain during the informal and formal negotiation process.

While the District takes all landowners' rights very seriously, the District also has an obligation, as a member of the Metro Flood Diversion Authority, to acquire the right of way easement and easement for term of years necessary for the Project, and construction of the Project will not be possible without acquiring the right of way easement and easement for term of years identified above. As the District will explain and verify for the Commission in more detail through this process, the District provided the Landowners with the District's appraisal as the starting point for negotiations, then attempted to negotiate further with the Landowners over the course of several months. This step is not one the District takes lightly; quick take eminent domain is a serious undertaking, and



Robert Wilson  
September 3, 2021  
Page 6

the District has negotiated in good-faith with the Landowners to avoid this process. Despite the District's efforts to be fair, friendly, and flexible in both the informal and formal negotiations with the Landowners, unfortunately, the parties have not reached a mutually acceptable agreement for the acquisition of the right of way easement and easement for term of years.

The District respectfully requests that the Cass County Commission proceed with the public meeting process under Section 61-16.1-09(2)(b)(3) regarding the Landowners and the right of way easement and easement for term of years identified in this letter. Further, the District respectfully requests that the Cass County Commission ultimately approve the District's use of quick take eminent domain to take possession of the right of way easement and easement for term of years identified above so the Project may proceed. For your information, while the County conducts the process under Section 61-16.1-09(2)(b)(3), the District still hopes the parties can arrive at a mutually-acceptable agreement.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



Carol Harbeke Lewis  
Secretary-Treasurer  
1201 Main Avenue West  
West Fargo, ND 58078  
(701) 298-2381  
[lewisc@casscountynd.gov](mailto:lewisc@casscountynd.gov)

cc: Ken Helvey, Land Agent  
Chris McShane, Ohnstad Twichell, P.C.  
Birch Burdick, Cass County State's Attorney  
Joel Paulsen, Executive Director, Diversion Authority  
Eric Dodds, AE2S Program Manager  
Taylor Albrecht, Administrative Assistant, Cass County Commission



September 8, 2021

**VIA UPS – DELIVERY CONFIRMATION**

**Board of County Commissioners**

Chad M. Peterson  
Fargo, North Dakota

Rick Steen  
Fargo, North Dakota

Jim Kapitan  
Fargo, North Dakota

Duane Breitling  
West Fargo, North Dakota

Mary Scherling  
Stanley Township, North Dakota

Claude Richard  
4300 88<sup>th</sup> Avenue South  
Fargo, ND 58104  
**UPS Tracking No.:**  
**1Z273GT54395800089**

Lucy Sabo  
21017 County Highway 32  
Rochert, MN 56578  
**UPS Tracking No.:**  
**1Z273J1T4320007016**

Frances Zimmerman  
4300 88<sup>th</sup> Avenue South  
Fargo, ND 58104  
**UPS Tracking No.:**  
**1Z271KTW4300018019**

Richard Farm Enterprises, LP  
4300 88<sup>th</sup> Avenue South  
Fargo, ND 58104  
**UPS Tracking No.:**  
**1Z273MDT4300009614**

Gerald Richard  
8203 45<sup>th</sup> Street South  
Fargo, ND 58104  
**UPS Tracking No.:**  
**1Z273RZT4300006615**

Donna Carlson  
2715 Golden Valley Parkway South  
Fargo, ND 58104  
**UPS Tracking No.:**  
**1Z273TFC4300025818**

CR-JR-L Limited Partnership  
4300 88<sup>th</sup> Avenue South  
Fargo, ND 58104  
**UPS Tracking No.:**  
**1Z273TJZ4300023212**

Re: Cass County Commission  
Fargo-Moorhead Area Diversion Project  
Invitation to Attend Public Meeting  
OINs: 1087, 1093  
Parcel Nos.: 64-0000-02610-000, 64-0000-02710-030

Greetings:

As you know, the METRO FLOOD DIVERSION AUTHORITY (the "Authority") is proceeding with the Fargo Moorhead Area Diversion Project ("Project"); the Cass County Commission (the "Commission") is a member of the Authority. The Cass County Joint Water Resource District (the "District") is also a member of the Authority, and the Authority previously directed the District to obtain the North Dakota right of way easement and easement for term of years necessary to accommodate the Project. You have been in negotiations with the District and its agents regarding the right of way easement and easement for term of years the District must acquire from you for the Project. The District copied the Commission on the following letters the District sent to you regarding the District's negotiations with you:

P.O. Box 2806  
211 9th Street South  
Fargo, North Dakota 58108  
701-241-5609  
www.casscountynnd.gov



- Letter dated May 4, 2021, enclosing the District's appraisal and addendum to appraisal for the acquisition of the right of way easement and easement for term of years from you, along with a proposed Purchase Agreement;
- Letter dated June 3, 2021, inviting you to meet with the District for purposes of negotiating compensation for the right of way easement and easement for term of years to be acquired; and
- Letter dated July 20, 2021, notifying you the District planned to submit a request to the Commission seeking immediate possession of the right of way easement and easement for term of years necessary for the Project.

The District informed the Commission that you and the District have not reached a mutually acceptable agreement, and have not signed a purchase agreement, regarding the right of way easement and easement for term of years the District must purchase from you to accommodate the Project. With that in mind, the District recently requested approval from the Commission to utilize quick take eminent domain to take possession of the right of way easement and easement for term of years the District must acquire from you. The legal description of the necessary right of way easement and easement for term of years is as follows:

Right of Way Easement:

OIN 1087

That part of the Southwest Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southwest corner of said Southeast Quarter; thence North 87°56'36" East, along the southerly line of said Southeast Quarter, for a distance of 414.11 feet; thence North 03°43'33" West for a distance of 1322.90 feet to a point of intersection with the northerly line of the Southwest Quarter of said Southeast Quarter; thence South 87°58'11" West, along the northerly line of the Southwest Quarter of said Southeast Quarter, for a distance of 379.25 feet to the northwest corner of the Southwest Quarter of said Southeast Quarter; thence South 02°12'57" East, along the westerly line of said Southeast Quarter, for a distance of 1322.52 feet to the point of beginning.

Said tract contains 12.043 acres, more or less, and is subject to easements as may be of record.

AND

Richard Farm Enterprises, LP  
OINs 1087, 1093  
September 8, 2021  
Page 3

That part of the Southeast Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southeast corner of said Southeast Quarter; thence South 87°56'36" West, along the southerly line of said Southeast Quarter, for a distance of 290.53 feet; thence North 02°05'05" West for a distance of 1083.87 feet; thence South 89°13'40" West for a distance of 656.32 feet; thence North 02°52'00" West for a distance of 223.17 feet to a point of intersection with the northerly line of the Southeast Quarter of said Southeast Quarter; thence North 87°58'11" East, along the northerly line of the Southeast Quarter of said Southeast Quarter, for a distance of 949.14 feet to the northeast corner of the Southeast Quarter of said Southeast Quarter; thence South 02°06'37" East, along the easterly line of said Southeast Quarter, for a distance of 1321.29 feet to the point of beginning.

Said tract contains 12.282 acres, more or less, and is subject to easements as may be of record.

AND

OIN 1093

That part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the northeast corner of said Northeast Quarter; thence South 87°56'36" West, along the northerly line of said Northeast Quarter, for a distance of 290.53 feet; thence South 02°05'05" East for a distance of 1002.42 feet; thence North 88°38'10" East for a distance of 281.97 feet to a point of intersection with the easterly line of said Northeast Quarter; thence North 01°35'46" West, along the easterly line of said Northeast Quarter, for a distance of 1005.86 feet to the point of beginning.

Said tract contains 6.598 acres, more or less, and is subject to easements as may be of record.

AND

Easement for Term of Years:

OIN 1087

Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 50.00-foot-wide strip of land, lying easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Southeast Quarter; thence North  $87^{\circ}56'36''$  East, along the southerly line of said Southeast Quarter, for a distance of 414.11 feet to the true point of beginning of the line to be described; thence North  $03^{\circ}43'33''$  West for a distance of 1322.90 feet to a point of intersection with the northerly line of the Southwest Quarter of said Southeast Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the southerly line of said Southeast Quarter on the south, and to intersect the northerly line of the Southwest Quarter of said Southeast Quarter on the north.

Said tract contains 1.518 acres, more or less.

AND

That part of the Southeast Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 15.00-foot-wide strip of land, lying westerly and southerly of and being coincident with the following described line:

Commencing at the southeast corner of said Southeast Quarter; thence South  $87^{\circ}56'36''$  West, along the southerly line of said Southeast Quarter, for a distance of 290.53 feet to the true point of beginning of the line to be described; thence North  $02^{\circ}05'05''$  West for a distance of 1083.87 feet; thence South  $89^{\circ}13'40''$  West for a distance of 656.32 feet; thence North  $02^{\circ}52'00''$  West for a distance of 223.17 feet to a point of intersection with the northerly line of the Southeast Quarter of said Southeast Quarter; thence South  $87^{\circ}58'11''$  West, along the northerly line of the Southeast Quarter of said Southeast Quarter, for a distance of 270.89 feet, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the southerly line of said Southeast Quarter of the south.

Said tract contains 0.764 acres, more or less.

AND

OIN 1093

That part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence South 87°56'36" West, along the northerly line of said Northeast Quarter, for a distance of 290.53 feet to the true point of beginning; thence South 02°05'05" East for a distance of 1002.42 feet; thence North 88°38'10" East for a distance of 281.97 feet to a point of intersection with the easterly line of said Northeast Quarter; thence South 01°35'46" East, along the easterly line of said Northeast Quarter, for a distance of 15.00 feet; thence South 88°38'08" West for a distance of 271.36 feet; thence South 54°58'11" West for a distance of 103.80 feet to a point of intersection with the northerly line of a tract described in Document No. 1419124, on file at the Cass County Recorder's Office; thence South 87°29'24" West, along the northerly line of said tract, for a distance of 83.71 feet; thence North 54°58'11" East for a distance of 173.17 feet; thence North 02°05'05" West for a distance of 980.45 feet to a point of intersection with the northerly line of said Northeast Quarter; thence North 87°56'36" East, along the northerly line of said Northeast Quarter, for a distance of 15.00 feet to the true point of beginning.

Said tract contains 0.580 acres, more or less.

The Commission invites you to attend the Commission's meeting on October 18, 2021 at 3:30 p.m. The District will also participate in the meeting, along with a representative of the land firm which was your primary point of contact throughout the negotiation process. At the meeting, the Commission will ask the District to verify the District's compliance with Section 61-16.1-09(2) of the North Dakota Century Code. The Commission will ultimately vote on whether to approve the District's use of quick take eminent domain to take a right of way easement and easement for term of years in and to your property.

If you wish to participate in the Commission's October 18, 2021 public meeting via conference call or Microsoft Teams, please contact Taylor Albrecht at (701) 241-5609 or [albrechtt@casscountynd.gov](mailto:albrechtt@casscountynd.gov) as soon as possible so Ms. Albrecht can assist you with the necessary arrangements.

This Notice does not preclude you from continuing to work with the District regarding the right of way easement and easement for term of years necessary for the Project. In fact, the Commission and the District encourage you to maintain contact with **Ken Helvey** and to continue discussions about the Project. **Ken Helvey** of **SRF Consulting Group, Inc.** is your point of contact regarding the Project. You can reach **Ken Helvey** at **[763] 249-6785** or [khelvey@srfconsulting.com](mailto:khelvey@srfconsulting.com).

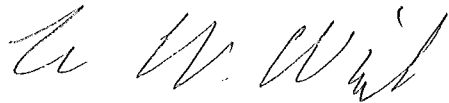


Richard Farm Enterprises, LP  
OINs 1087, 1093  
September 8, 2021  
Page 6

Finally, North Dakota law requires the Commission to provide you with a description of the District's timeline regarding your right of way easement and easement for term of years. The District must complete the acquisition of the right of way easement and easement for term of years necessary for construction of Project components on your property by Fall of 2021.

Sincerely,

CASS COUNTY COMMISSION



Robert Wilson, Cass County Administrator  
Cass County Commission  
211 Ninth Street South  
Fargo, ND 58103  
(701) 241-5609

cc: Ken Helvey, Land Agent  
Nicholas R. Delaney, Rinke Noonan  
Birch Burdick, Cass County State's Attorney  
Joel Paulsen, Executive Director, Diversion Authority  
Chris McShane, Ohnstad Twichell, P.C.  
Eric Dodds, AE2S Program Manager  
Sharon Oliver, Ohnstad Twichell, P.C.  
Taylor Albrecht, Administrative Assistant, Cass County Commission

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number**

1Z273GT54395800089

**Weight**

1.00 LBS

**Service**

UPS Ground

**Shipped / Billed On**

09/08/2021

**Delivered On**

09/09/2021 1:08 P.M.

**Delivered To**

FARGO, ND, US

**Received By**

DRIVER RELEASE

**Left At**

Front Door

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 09/10/2021 10:02 A.M. EST

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number**

1Z273TJZ4300023212

**Weight**

1.00 LBS

**Service**

UPS Ground

**Shipped / Billed On**

09/08/2021

**Delivered On**

09/09/2021 1:08 P.M.

**Delivered To**

4300 88TH AVE S  
FARGO, ND, 58104, US

**Received By**

DRIVER RELEASE

**Left At**

Front Door

**Reference Number(s)**

273TJZ338JD

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 09/10/2021 9:58 A.M. EST

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number**

1Z273TFC4300025818

**Weight**

1.00 LBS

**Service**

UPS Ground

**Shipped / Billed On**

09/08/2021

**Delivered On**

09/09/2021 2:32 P.M.

**Delivered To**

2715 GOLDEN VALLEY PKWY S  
FARGO, ND, 58104, US

**Received By**

DRIVER RELEASE

**Left At**

Front Door

**Reference Number(s)**

273TFC338VD

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 09/10/2021 9:59 A.M. EST



# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number**

1Z271KTW4300018019

**Weight**

1.00 LBS

**Service**

UPS Ground

**Shipped / Billed On**

09/08/2021

**Delivered On**

09/09/2021 1:08 P.M.

**Delivered To**

4300 88TH AVE S  
FARGO, ND, 58104, US

**Received By**

DRIVER RELEASE

**Left At**

Front Door

**Reference Number(s)**

271KTW337QD

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 09/10/2021 9:56 A.M. EST

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number**

1Z273RZT4300006615

**Weight**

1.00 LBS

**Service**

UPS Ground

**Shipped / Billed On**

09/08/2021

**Delivered On**

09/09/2021 1:11 P.M.

**Delivered To**

8203 45TH ST S  
FARGO, ND, 58104, US

**Received By**

DRIVER RELEASE

**Left At**

Front Door

**Reference Number(s)**

273RZT333ZJ

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 09/10/2021 10:00 A.M. EST

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number**

1Z273J1T4320007016

**Weight**

1.00 LBS

**Service**

UPS Ground

**Shipped / Billed On**

09/08/2021

**Delivered On**

09/09/2021 3:48 P.M.

**Delivered To**

21017 COUNTY HIGHWAY 32  
ROCHERT, MN, 56578, US

**Received By**

DRIVER RELEASE

**Left At**

Met Customer

**Reference Number(s)**

273J1T9GVP4

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 09/10/2021 10:02 A.M. EST

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number**

1Z273MDT4300009614

**Weight**

1.00 LBS

**Service**

UPS Ground

**Shipped / Billed On**

09/08/2021

**Delivered On**

09/09/2021 1:08 P.M.

**Delivered To**

4300 88TH AVE S  
FARGO, ND, 58104, US

**Received By**

DRIVER RELEASE

**Left At**

Front Door

**Reference Number(s)**

273MDT334HZ

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 09/10/2021 10:00 A.M. EST



**AFFIDAVIT OF LAND AGENT**

STATE OF Minnesota )  
 ) ss.  
COUNTY OF Hennepin )

[¶1] I, Ken Helvey, do hereby state on oath:

[¶2] I am employed by SRF Consulting Group, Inc. as Principal/Land Agent. The Cass County Joint Water Resource District (“the District”) hired SRF Consulting Group, Inc. to negotiate and acquire the necessary right of way for the Fargo-Moorhead Area Diversion Project (the “Project”).

[¶3] The District must acquire certain interests in real property from Claude Richard, Gerald Richard, Lucy Sabo, Donna Carlson, Frances Zimmerman, CR-JR-L Limited Partnership, and Richard Farm Enterprises, LP (“Landowner”) for construction, operation, and maintenance of the Project.

[¶4] Landowner’s real property where the District must acquire a Right of Way Easement and Easement for Term of Years for the Project located in Cass County, North Dakota, is more fully described as follows:

Right of Way Easement  
OIN 1087

That part of the Southwest Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southwest corner of said Southeast Quarter; thence North 87°56’36” East, along the southerly line of said Southeast Quarter, for a distance of 414.11 feet; thence North 03°43’33” West for a distance of 1322.90 feet to a point of intersection with the northerly line of the Southwest Quarter of said Southeast Quarter; thence South 87°58’11” West, along the northerly line of the Southwest Quarter of said Southeast Quarter, for a distance of 379.25 feet to the northwest corner of the Southwest Quarter of said Southeast Quarter; thence South 02°12’57” East, along the westerly line of said Southeast Quarter, for a distance of 1322.52 feet to the point of beginning.

Said tract contains 12.043 acres, more or less, and is subject to easements as may be of record.

AND

That part of the Southeast Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southeast corner of said Southeast Quarter; thence South  $87^{\circ}56'36''$  West, along the southerly line of said Southeast Quarter, for a distance of 290.53 feet; thence North  $02^{\circ}05'05''$  West for a distance of 1083.87 feet; thence South  $89^{\circ}13'40''$  West for a distance of 656.32 feet; thence North  $02^{\circ}52'00''$  West for a distance of 223.17 feet to a point of intersection with the northerly line of the Southeast Quarter of said Southeast Quarter; thence North  $87^{\circ}58'11''$  East, along the northerly line of the Southeast Quarter of said Southeast Quarter, for a distance of 949.14 feet to the northeast corner of the Southeast Quarter of said Southeast Quarter; thence South  $02^{\circ}06'37''$  East, along the easterly line of said Southeast Quarter, for a distance of 1321.29 feet to the point of beginning.

Said tract contains 12.282 acres, more or less, and is subject to easements as may be of record.

AND

OIN 1093

That part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the northeast corner of said Northeast Quarter; thence South  $87^{\circ}56'36''$  West, along the northerly line of said Northeast Quarter, for a distance of 290.53 feet; thence South  $02^{\circ}05'05''$  East for a distance of 1002.42 feet; thence North  $88^{\circ}38'10''$  East for a distance of 281.97 feet to a point of intersection with the easterly line of said Northeast Quarter; thence North  $01^{\circ}35'46''$  West, along the easterly line of said Northeast Quarter, for a distance of 1005.86 feet to the point of beginning.

Said tract contains 6.598 acres, more or less, and is subject to easements as may be of record.

AND

Easement for Term of Years

OIN 1087

That part of the Southwest Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 50.00-foot-wide strip of land, lying easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Southeast Quarter; thence North  $87^{\circ}56'36''$  East, along the southerly line of said Southeast Quarter, for a distance of 414.11 feet to the true point of beginning of the line to be described; thence North  $03^{\circ}43'33''$  West for a distance of 1322.90 feet to a point of intersection with the northerly line of the Southwest Quarter of said Southeast Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the southerly line of said Southeast Quarter on the south, and to intersect the northerly line of the Southwest Quarter of said Southeast Quarter on the north.

Said tract contains 1.518 acres, more or less.

AND

That part of the Southeast Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 15.00-foot-wide strip of land, lying westerly and southerly of and being coincident with the following described line:

Commencing at the southeast corner of said Southeast Quarter; thence South  $87^{\circ}56'36''$  West, along the southerly line of said Southeast Quarter, for a distance of 290.53 feet to the true point of beginning of the line to be described; thence North  $02^{\circ}05'05''$  West for a distance of 1083.87 feet; thence South  $89^{\circ}13'40''$  West for a distance of 656.32 feet; thence North  $02^{\circ}52'00''$  West for a distance of 223.17 feet to a point of intersection with the northerly line of the Southeast Quarter of said Southeast Quarter; thence South  $87^{\circ}58'11''$  West, along the northerly line of the Southeast Quarter of said Southeast Quarter, for a distance of 270.89 feet, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the southerly line of said Southeast Quarter of the south.

Said tract contains 0.764 acres, more or less.

AND

OIN 1093

That part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence South 87°56'36" West, along the northerly line of said Northeast Quarter, for a distance of 290.53 feet to the true point of beginning; thence South 02°05'05" East for a distance of 1002.42 feet; thence North 88°38'10" East for a distance of 281.97 feet to a point of intersection with the easterly line of said Northeast Quarter; thence South 01°35'46" East, along the easterly line of said Northeast Quarter, for a distance of 15.00 feet; thence South 88°38'08" West for a distance of 271.36 feet; thence South 54°58'11" West for a distance of 103.80 feet to a point of intersection with the northerly line of a tract described in Document No. 1419124, on file at the Cass County Recorder's Office; thence South 87°29'24" West, along the northerly line of said tract, for a distance of 83.71 feet; thence North 54°58'11" East for a distance of 173.17 feet; thence North 02°05'05" West for a distance of 980.45 feet to a point of intersection with the northerly line of said Northeast Quarter; thence North 87°56'36" East, along the northerly line of said Northeast Quarter, for a distance of 15.00 feet to the true point of beginning.

Said tract contains 0.580 acres, more or less.

The property described above is the "Necessary Property."

[¶5] Affiant is familiar with the records maintained by SRF Consulting Group, Inc. with respect to the Necessary Property and has reviewed all such records prior to executing this affidavit.

[¶6] SRF Consulting Group, Inc. has attempted to negotiate with Landowner to acquire the Necessary Property. Attached as **Exhibit A** is a log of all contacts SRF Consulting Group, Inc. has had with Landowner.

[¶7] The District has instructed SRF Consulting Group, Inc. to refrain from referencing, mentioning, or threatening quick take eminent domain during negotiations since August 1, 2017.

[¶8] I verify to the best of my knowledge, as Principal/Land Agent of SRF Consulting Group, Inc. nobody from SRF Consulting Group, Inc. has referenced, mentioned, or threatened quick take eminent domain to Landowner during negotiations since August 1, 2017.

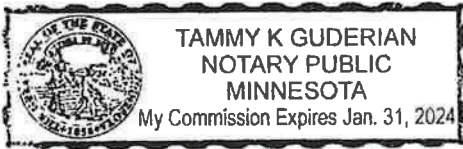


Dated this 5 day of October, 2021.

Ken Helvey

Ken Helvey  
SRF Consulting Group, Inc.

Subscribed to and sworn to before me this 5<sup>th</sup> day of October, 2021.



Tammy Guderian  
Notary Public

(SEAL)

## EXHIBIT A

### OIN 1087 1093 Richards, ET. al. Contacts (Represented by Rinke Noonan)

Date	Contact Notes
9/23/2020	Property inspection and meeting with owners. Gave booklets and discussed relocations
1/21/2021	Talked to Rinke regarding RIMP process and appraisal process
1/28/2021	Email with Rinke regarding the appraisal addendum approach to the process. They are getting their own appraisal.
1/29/2021	Talked to Claude regarding addresses. He's in AZ. Will reach out when he returns.
2/11/2021	Email with Rinke regarding fee versus easement approach as well as damages
2/15/2021	Email with Rinke regarding how long they could stay- Fall 2024. As well as their proposal for a stipulation of fee acquisition
3/25/2021	Call with Rinke regarding their proposal to do stipulation. Passed along to McShane. Owner getting their own appraisal.
6/5/2021	Talked to Rinke- still waiting on appraisal
9/17/2021	Call with Claude to set up meeting
9/21/2021	Meeting with Claude to talk about RIMP, offer and how everything will dovetail together to get 6G farms back up running
9/23/2021	Sent RIMP guide to Rinke to send to owner
Various	Multiple minor conversations over the last 6 months

**No counter offer to date**



Said tract contains 12.043 acres, more or less, and is subject to easements as may be of record.

AND

That part of the Southeast Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southeast corner of said Southeast Quarter; thence South 87°56'36" West, along the southerly line of said Southeast Quarter, for a distance of 290.53 feet; thence North 02°05'05" West for a distance of 1083.87 feet; thence South 89°13'40" West for a distance of 656.32 feet; thence North 02°52'00" West for a distance of 223.17 feet to a point of intersection with the northerly line of the Southeast Quarter of said Southeast Quarter; thence North 87°58'11" East, along the northerly line of the Southeast Quarter of said Southeast Quarter, for a distance of 949.14 feet to the northeast corner of the Southeast Quarter of said Southeast Quarter; thence South 02°06'37" East, along the easterly line of said Southeast Quarter, for a distance of 1321.29 feet to the point of beginning.

Said tract contains 12.282 acres, more or less, and is subject to easements as may be of record.

AND

OIN 1093

That part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the northeast corner of said Northeast Quarter; thence South 87°56'36" West, along the northerly line of said Northeast Quarter, for a distance of 290.53 feet; thence South 02°05'05" East for a distance of 1002.42 feet; thence North 88°38'10" East for a distance of 281.97 feet to a point of intersection with the easterly line of said Northeast Quarter; thence North 01°35'46" West, along the easterly line of said Northeast Quarter, for a distance of 1005.86 feet to the point of beginning.

Said tract contains 6.598 acres, more or less, and is subject to easements as may be of record.

AND

Easement for Term of Years

OIN 1087



That part of the Southwest Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 50.00-foot-wide strip of land, lying easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Southeast Quarter; thence North  $87^{\circ}56'36''$  East, along the southerly line of said Southeast Quarter, for a distance of 414.11 feet to the true point of beginning of the line to be described; thence North  $03^{\circ}43'33''$  West for a distance of 1322.90 feet to a point of intersection with the northerly line of the Southwest Quarter of said Southeast Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the southerly line of said Southeast Quarter on the south, and to intersect the northerly line of the Southwest Quarter of said Southeast Quarter on the north.

Said tract contains 1.518 acres, more or less.

AND

That part of the Southeast Quarter of the Southeast Quarter of Section 29, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 15.00-foot-wide strip of land, lying westerly and southerly of and being coincident with the following described line:

Commencing at the southeast corner of said Southeast Quarter; thence South  $87^{\circ}56'36''$  West, along the southerly line of said Southeast Quarter, for a distance of 290.53 feet to the true point of beginning of the line to be described; thence North  $02^{\circ}05'05''$  West for a distance of 1083.87 feet; thence South  $89^{\circ}13'40''$  West for a distance of 656.32 feet; thence North  $02^{\circ}52'00''$  West for a distance of 223.17 feet to a point of intersection with the northerly line of the Southeast Quarter of said Southeast Quarter; thence South  $87^{\circ}58'11''$  West, along the northerly line of the Southeast Quarter of said Southeast Quarter, for a distance of 270.89 feet, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the southerly line of said Southeast Quarter of the south.

Said tract contains 0.764 acres, more or less.

AND

OIN 1093

That part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence South 87°56'36" West, along the northerly line of said Northeast Quarter, for a distance of 290.53 feet to the true point of beginning; thence South 02°05'05" East for a distance of 1002.42 feet; thence North 88°38'10" East for a distance of 281.97 feet to a point of intersection with the easterly line of said Northeast Quarter; thence South 01°35'46" East, along the easterly line of said Northeast Quarter, for a distance of 15.00 feet; thence South 88°38'08" West for a distance of 271.36 feet; thence South 54°58'11" West for a distance of 103.80 feet to a point of intersection with the northerly line of a tract described in Document No. 1419124, on file at the Cass County Recorder's Office; thence South 87°29'24" West, along the northerly line of said tract, for a distance of 83.71 feet; thence North 54°58'11" East for a distance of 173.17 feet; thence North 02°05'05" West for a distance of 980.45 feet to a point of intersection with the northerly line of said Northeast Quarter; thence North 87°56'36" East, along the northerly line of said Northeast Quarter, for a distance of 15.00 feet to the true point of beginning.

Said tract contains 0.580 acres, more or less.

The property described above is the "Necessary Property."

[¶7] The District has fulfilled the required negotiation steps in accordance with subsection 2 of section 61-16.1-09 of the North Dakota Century Code.

[¶8] The District sent a written offer of just compensation to Landowner by certified mail, along with an appraisal, addendum to appraisal and purchase agreement, on May 4, 2021. A copy of the offer (without the appraisal and addendum to appraisal that were included) is attached as **Exhibit 1**.

[¶9] On June 3, 2021, the District sent Landowner a written request for a meeting, by certified mail; the District and Landowner have not reached an agreement regarding compensation, and more than fifteen days have passed since Landowner's receipt of the offer. A copy of the written request for a meeting with Landowner is attached as **Exhibit 2**.

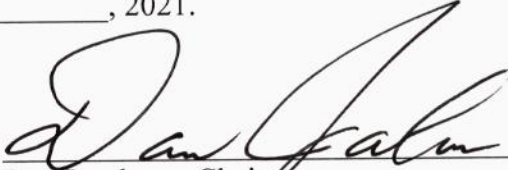
[¶10] The District and Landowner have not reached an agreement regarding compensation, and more than thirty days have passed since Landowner's receipt of the request for a meeting.

[¶11] On July 20, 2021, the District sent Landowner a written notice of intent to take possession of the Right of Way and Easement for Term of Years, by certified mail. A copy of the notice of intent is attached as **Exhibit 3**.

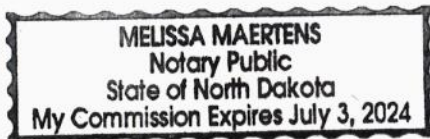
[¶12] The District has retained land agents who are in direct contact with Landowner. The District instructed our land agents not to reference, mention, or threaten quick take eminent domain during negotiations. The land agents have verified they have not referenced, mentioned, or threatened quick take eminent domain during the course of negotiations with Landowner since August 1, 2017.

[¶13] I verify there have been no references, mention, or threats of quick take eminent domain by the District during negotiations since August 1, 2017.

Dated this 8<sup>th</sup> day of October, 2021.

  
\_\_\_\_\_  
Dan Jacobson, Chair  
Cass County Joint Water Resource District

Subscribed to and sworn to before me this 8<sup>th</sup> day of October, 2021.



  
\_\_\_\_\_  
Notary Public

(SEAL)