

MINUTES OF VIRTUAL / CONFERENCE CALL SPECIAL MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JULY 13, 2022

A virtual / conference call special meeting of the Maple River Water Resource District was held on July 13, 2022, at 10:30 a.m.

Present were Rodger Olson, Chairman; Gerald Melvin, Manager; Chad Miller, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Melissa Hinkemeyer, Administrative Assistant; Sean Fredricks, Ohnstad Twichell, P.C.; and Kurt Lysne, Moore Engineering, Inc.

Application to Install a Subsurface Water Management System No. 202212 for Buhr Farms, Inc. in the N 1/2 of Section 25 in Cornell Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 202212*, filed July 12, 2022, by Applicant Buhr Farms, Inc. Under the Application, Applicant seeks to install a 159-acre drain tile system in the NE 1/4 and a small portion of the SE 1/4 of the NW 1/4 of Section 25 in Cornell Township, Cass County, North Dakota. The project will include a single pump outlet near the south boundary of the NE 1/4 of Section 25; the pump will discharge directly into a natural drain. The project will include one surface inlet.

According to County tax roll information supplied by Applicant, Itterman Family Trust owns the N 1/2 of Section 25 in Cornell Township.

Manager Melvin moved, and Manager Miller seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 202212*, filed July 12, 2022, for Buhr Farms, Inc., regarding a proposed tile system in the N 1/2 of Section 25 in Cornell Township; and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 202212*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into the natural drain in the NE 1/4 of Section 25 in Cornell Township.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.

3. Applicant must turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Maple River Water Resource District.
4. Applicant will not install Applicant’s tile system within 20 feet, on either side, of any rural water lines Cass Rural Water Users District has in the N 1/2 of Section 25 in Cornell Township under any blanket easements, or otherwise beyond the Water District’s existing easement(s).
5. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 202212* in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant’s permit. However, for Applicant’s protection, and to ensure protection of Applicant’s tile system, the Board will recommend that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from Itterman Family Trust to install and maintain the tile project in the N 1/2 of Section 25 of Cornell Township.
2. The Board recommends that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

The Board will provide copies of the Board’s *Notice of Decision, Subsurface Water Management Permit No. 202212*, and Applicant’s downstream flow map to the North Dakota Department of Water Resources, Itterman Family Trust, and Cass Rural Water Users District. Applicant’s detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Application to Install a Subsurface Water Management System No. 202213 for Buhr Farms, Inc. in all of Section 19 in Ayr Township and the E 1/2 of Section 24 in Cornell Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 202213*, filed July 12, 2022, by Applicant Buhr Farms, Inc. Under the Application, Applicant seeks to install a 533-acre drain tile system in all of Section 19 in Ayr Township

and the E 1/2 of Section 24 in Cornell Township, Cass County, North Dakota. The project in Section 19 of Ayr Township will connect to the system in the E 1/2 of Section 24 in Cornell Township via a pipeline under 138th Avenue SE. The project will include a single pump outlet near the south boundary of the SE 1/4 of Section 24 in Cornell Township; the pump will discharge directly into a natural drain. The project will include twelve surface inlets.

According to County tax roll information supplied by Applicant, Brian Buhr owns the S 1/2 of the NE 1/4 of Section 19 in Ayr Township; Brent Buhr owns the N 1/2 of the NE 1/4 of Section 19 in Ayr Township; Arnold Buhr owns the NW 1/4 of Section 19 in Ayr Township; Colleen Buhr owns the SW 1/4 of Section 19 in Ayr Township; Tammy Erickson owns the SE 1/4 of Section 19 in Ayr Township; Brent Buhr owns the NE 1/4 of Section 24 in Cornell Township; and Justin Killoran owns 146.11 acres in the SE 1/4 of Section 24 in Cornell Township where Applicant intends to install the tile system.

Manager Miller moved, and Manager Melvin seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 202213*, filed July 12, 2022, for Buhr Farms, Inc., regarding a proposed tile system in all of Section 19 in Ayr Township and the E 1/2 of Section 24 in Cornell Township; and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 202213*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into the natural drain in the SE 1/4 of Section 24 in Cornell Township.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Maple River Water Resource District.
4. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Cass Rural Water Users District has in the E 1/2 of Section 24 in Cornell Township or in Section 19 of Ayr Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
5. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 202213* in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent to install and maintain the tile project from the owners of the E 1/2 of Section 24 in Cornell Township and all of Section 19 in Ayr Township.
2. The Board recommends that Applicant obtain consent from the Cornell Township Board of Township Supervisors and the Ayr Township Board of Township Supervisors to install and maintain any pipeline under or through 138th Avenue SE.
3. The Board recommends that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

The Board will provide copies of the Board's *Notice of Decision, Subsurface Water Management Permit No. 202213*, and Applicant's downstream flow map to the North Dakota Department of Water Resources, Cornell Township, Ayr Township, Brian Buhr, Brent Buhr, Arnold Buhr, Colleen Buhr, Tammy Erickson, Justin Killoran, and Cass Rural Water Users District. Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Melvin, seconded by Manager Miller and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer