

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING  
RUSH RIVER WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
OCTOBER 18, 2022

A virtual / conference call meeting of the Rush River Water Resource District was held on October 18, 2022, at 8:00 a.m.

Present were William A. Hejl, Chairman; Richard Sundberg, Manager; Jacob Gust, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Hinkemeyer, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Mary Scherling, Cass County Commissioner; Dylan Brown, ASN Constructors; and Dane Larsen, property owner in Raymond Township.

**Approval of Agenda**

It was moved by Manager Sundberg, seconded by Manager Gust and unanimously carried to approve the order of the agenda, as presented.

**Minutes**

It was moved by Manager Gust, seconded by Manager Sundberg and unanimously carried to approve the minutes of the September 20, 2022, meeting.

**Drain No. 2 Improvement Project No. 2020-01**

Discussion was held on paying off the Refunding Improvement Bonds of 2021, Series B, for Drain No. 2 Improvement Project No. 2020-01. The Secretary-Treasurer indicated funds are available to pay off the bonds and it would save interest costs. A motion was made by Manager Sundberg and seconded by Manager Gust to pay off the Refunding Improvement Bonds of 2021, Series B, regarding Drain No. 2 Improvement Project No. 2020-01. Upon roll call vote, the motion carried unanimously.

**Drain #12 – riprap under the State Highway 18 bridge**

Brady Woodard reported the North Dakota Department of Transportation (NDDOT) will be inspecting the State Highway 18 bridge over Drain #12 to determine the project was constructed as designed. Mr. Woodard will contact the NDDOT to provide an update on the matter at a future meeting.

**Regional Conservation Partnership Program (RCPP) – Rush River Watershed**

Kurt Lysne updated the Board on the RCPP – Rush River Watershed Plan. The Cass County Joint Water Resource District provided feedback on the levee alignment which has been sent to the Natural Resources Conservation Service for review. Mr. Lysne

noted levee alignment changes may impact the environmental assessment for the Plan. Chairman Hejl suggested holding a public meeting to discuss the changes made to the project. Mr. Lysne indicated he will bring the suggestion to the next Cass County Joint Water Resource District meeting for discussion.

### **Cass County Joint Water Resource District report**

Manager Gust reported work has begun on the northern portion of the Diversion Channel and Associated Infrastructure component of the Metro Flood Diversion Project. Mr. Woodard displayed recent drone photos taken of the project. Dylan Brown reported ASN Constructors, the Public Private Partnership developer, is working on channel excavation, utility relocations and other work between Drain #29 and Drain #30 in Reach 1 of the project. Preliminary work, such as topsoil stripping, has begun in Reach 2 south of Drain #30. ASN Constructors will largely be working on channel excavation through the winter within the Rush River Water Resource District. Mr. Brown indicated a general construction schedule of work on the Metro Flood Diversion Project within the Rush River Water Resource District is being developed and will be distributed to the Board.

### **Red River Joint Water Resource District (RRJWRD) report**

Manager Sundberg updated the Board on the September 21, 2022, RRJWRD Full Board meeting. The North Dakota Department of Water Resources (NDDWR) presented on PRESENS sensors created by the NDDWR that collect useful data at dams and other waterways. Water Resource Districts that are interested in installing a sensor at their facility can contact Chris Bader at the NDDWR.

Manager Sundberg said the RRJWRD approved additional cost-share for an ongoing USGS drought risk analysis study as well as sponsoring of magazine articles for the *North Dakota Water* magazine.

Sean Fredricks updated the Board on legislative items and the Red River Basinwide Plan that were discussed at the RRJWRD meeting.

The next RRJWRD Full Board meeting is December 8, 2022, during the 59th Annual Joint North Dakota Water Convention and Irrigation Workshop in Bismarck, North Dakota.

### **Application to install a Subsurface Water Management System No. 202221 for James Ueland and Dane Larsen in Section 6 and the SW 1/4 of Section 5 in Raymond Township**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 202221*, filed September 29, 2022, by Applicants James Ueland and Dane Larsen. Under the Application, Applicants seek to install a 564-acre drain tile system in Section 6 and the SW 1/4 of Section 5 in Raymond Township, Cass County, North Dakota. The project will include two gravity outlets. The portion of the system north of Burlington Northern Santa Fe Railway Company (BNSF) right of way will include a line that will run under 164th Avenue SE to connect that portion of the project in Section 6 to the portion in the SW 1/4 of Section 5 with a gravity outlet in the SW 1/4 of Section 5 that will

discharge directly into the Rush River. The portion of the system south of BNSF right of way will discharge via a gravity outlet in the SE 1/4 of Section 6 that will discharge directly into the Rush River.

According to County tax roll information supplied by Applicants, the Joyce Y Larsen Trust owns that portion of the SW 1/4 in Section 5 of Raymond Township Applicants intend to tile; Dane and Kristine Larsen own that portion of the NE 1/4 in Section 6 Applicants intend to tile; and James and Ann Ueland own the NW 1/4 and the S 1/2 of Section 6.

Manager Gust moved, and Manager Sundberg seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 202221*, filed September 29, 2022, for James Ueland and Dane Larsen regarding a proposed tile system in Section 6 and the SW 1/4 of Section 5 in Raymond Township; and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 202221*, subject to the following conditions:

1. Applicants will install and maintain erosion protection at any and all outlets into the Rush River.
2. Applicants will re-establish any areas disturbed installing or maintaining Applicants' tile system.
3. Applicants will not install Applicants' tile system within 20 feet, on either side, of any rural water lines Cass Rural Water Users District has in Section 6 or in the SW 1/4 of Section 5 in Raymond Township under any blanket easements, or otherwise beyond the Water Users District's existing easement(s).
4. Applicants must apply for an amendment to *Subsurface Water Management Permit No. 202221* 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 Applicants' permit. However, for Applicants' protection, and to ensure protection of Applicants' tile system, the Board will recommend that Applicants comply with the following:

1. The Board recommends that Applicants obtain written consent from the Raymond Township Board of Township Supervisors to install, operate, and maintain any project components within the Township's road right of way.
2. The Board recommends that Applicants obtain written consent from BNSF if Applicants intend to install, operate, and maintain any project components within any of BNSF's right of way.

3. The Board recommends that Applicants 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. 202221*, and Applicants' downstream flow map to the North Dakota Department of Water Resources, Raymond Township, BNSF, Joyce Y Larsen Trust, and Cass Rural Water Users District. Applicants' detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

**Temporary Water Permit for ASN Constructors in the S 1/2 SE 1/4 of Section 9 in Harwood Township for construction**

The Board received and filed a *Temporary Water Permit* for ASN Constructors in the S 1/2 SE 1/4 of Section 9 in Harwood Township for construction. The water will be used during construction of the Metro Flood Diversion Channel and Associated Infrastructure. The Board had no comments on the matter.

**Cass County Planning**

A motion was made by Manager Gust, seconded by Manager Sundberg and unanimously carried to authorize the Secretary-Treasurer to submit comment on the Lilleberg Subdivision application to Cass County Planning, with input from the Water Resource District Engineer.

**Bills**

It was moved by Manager Sundberg and seconded by Manager Gust to approve the wire transfers and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Hejl, Sundberg and Gust. The Chairman declared the motion passed.

**Adjournment**

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

APPROVED:

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William A. Hejl  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer