

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
NORTH CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
APRIL 26, 2022

A virtual / conference call meeting of the North Cass Water Resource District was held on April 26, 2022, at 8:00 a.m.

Present were Wes Ecker, Chairman; Robert Thompson, Manager; Ken Lougheed, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Maertens, Administrative Assistant; Sean Fredricks, Ohnstad Twichell, P.C.; Alexa Ducioame, Brady Woodard and Pat Downs, Moore Engineering, Inc.; and Mary Scherling, Cass County Commissioner.

Agenda and Minutes

It was moved by Manager Lougheed, seconded by Manager Thompson and unanimously carried to approve the order of the agenda and the minutes of the March 22, 2022, meeting, as presented.

Drain #18 extension in Sections 7 and 8 of Kinyon Township

Pat Downs updated the Board on right of way acquisition regarding the Drain #18 extension in Sections 7 and 8 of Kinyon Township. Mr. Downs is negotiating with one remaining property owner regarding right of way for the project.

A motion was made by Manager Lougheed and seconded by Manager Thompson to authorize Moore Engineering, Inc. to prepare final plans and specifications and advertise the Drain #18 extension in Sections 7 and 8 of Kinyon Township for bids and wait to award the contract until all right of way needed for the project has been acquired. Upon roll call vote, the motion carried unanimously.

Manager Lougheed noted he no longer has a conflict regarding the project.

Drain #32 – request to borrow material from the berm in the SE 1/4 of Section 27 in Noble Township

Discussion was held on the *Agreement* with John Christensen to borrow material from the Drain #32 berm in the SE 1/4 of Section 27 in Noble Township. It was moved by Manager Lougheed and seconded by Manager Thompson to amend the motion made at the previous meeting to sign the *Agreement* with John Christensen to borrow material from the Drain #32 berm in the SE 1/4 of Section 27 in Noble Township, to include the

Agreement is contingent on John Christensen reimbursing the Water Resource District \$500 for fees incurred regarding the matter. Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Water Management System No. 20224 for Blair Meyers in the S 1/2 of Section 8 in Dows Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 20224*, filed April 15, 2022, by Applicant Blair Meyers. Under the Application, Applicant seeks to install a 113-acre drain tile system in the S 1/2 of Section 8 in Dows Township, Cass County, North Dakota. The project will include four gravity outlets; all four outlets will discharge directly into the Elm River.

According to County tax roll information supplied by Applicant, Blair Meyers owns the S 1/2 of Section 8 in Dows Township.

Manager Lougheed moved, and Manager Thompson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20224* filed April 15, 2022, for Blair Meyers regarding a proposed tile system in the S 1/2 of Section 8 in Dows Township, and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 20224*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into the Elm River.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. 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 S 1/2 of Section 8 in Dows Township, under any blanket easements, or otherwise beyond the Water District's existing easement(s).
4. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 20224* 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 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. 20224*, and Applicant's downstream flow map to the North Dakota Department of Water Resources 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.

Water Permit Application No. 7213 for David Thompson to divert and appropriate water from ground water in the SE 1/4 of Section 10 and SW 1/4 of Section 11 in Rich Township for irrigation

The Board briefly discussed the North Dakota Department of Water Resources (NDDWR) Notice regarding *Water Permit Application No. 7213* for David Thompson to divert and appropriate water from ground water in the SE 1/4 of Section 10 and SW 1/4 of Section 11 in Rich Township for irrigation. The Board directed the Secretary-Treasurer to inform the NDDWR they had no comment to submit on the application.

Water Permit Application No. 7214 for Randy Thompson to divert and appropriate water from ground water in Section 17 of Page Township for irrigation

The Board briefly discussed the NDDWR Notice regarding *Water Permit Application No. 7214* for Randy Thompson to divert and appropriate water from ground water in Section 17 of Page Township for irrigation. The Board directed the Secretary-Treasurer to inform the NDDWR they had no comment to submit on the application.

2023 Water Development Plan – request from the NDDWR / State Water Commission to identify potential water development projects, the timing of their implementation and estimated costs

Alexa Ducioame briefly reviewed a list of North Cass Water Resource District projects to submit to the NDDWR for the 2023 Water Development Plan. A motion was made by Manager Thompson and seconded by Manager Lougheed to authorize Moore Engineering, Inc. to submit the list of North Cass Water Resource District projects to the NDDWR for the 2023 Water Development Plan. Upon roll call vote, the motion carried unanimously.

Red River Joint Water Resource District (RRJWRD) – Red River Basinwide Plan – pilot program project inventory

Ms. Ducioame and Sean Fredricks discussed the Red River Basinwide Plan, a potential pilot project for funding water conveyance projects in the Red River Basin through the RRJWRD. Houston Engineering, Inc. is surveying member water resource districts to collect data regarding upcoming water conveyance projects in the Basin and will compile the information into the Basinwide Funding Plan.

It was moved by Manager Lougheed and seconded by Manager Thompson to authorize Moore Engineering, Inc. submit information on upcoming North Cass Water Resource District water conveyance projects to Houston Engineering, Inc. to be compiled into the Red River Basinwide Plan. Upon roll call vote, the motion carried unanimously.

North Dakota Insurance Reserve Fund – proxy for annual meeting

A motion was made by Manager Thompson and seconded by Manager Lougheed to authorize the Secretary-Treasurer to sign and return the North Dakota Insurance Reserve Fund proxy for North Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

Letter of engagement to the Office of the State Auditor for 2021 audit services

A motion was made by Manager Lougheed and seconded by Manager Thompson to approve the letter of engagement to the Office of the State Auditor for 2021 audit services for North Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

Bills

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

Flooding conditions

Manager Thompson reported on flooding conditions near Page, North Dakota, as well as current conditions at Elm River Dams No. 1, No. 2 and No. 3. Brady Woodard reported the emergency spillways at the Absaraka Dam and Erie Dam in Cass County were utilized and the *Emergency Action Plans* pertaining to those facilities were enacted. Moore Engineering, Inc. continues to monitor Water Resource District facilities.

Adjournment

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

APPROVED:

Wes Ecker
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer