

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
NORTH CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
APRIL 25, 2023

A virtual / conference call meeting of the North Cass Water Resource District was held on April 25, 2023, at 8:00 a.m.

Present were Robert Thompson, Manager; Ken Lougheed, 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.; Duane Breitling, Cass County Commissioner; and Tom Soucy, Cass County Highway Department; Chairman Wes Ecker was absent.

Agenda and Minutes

It was moved by Manager Thompson, seconded by Manager Lougheed and unanimously carried to approve the order of the agenda and the minutes of the March 28, 2023, meeting, both as amended.

Application to Install a Subsurface Water Management System No. 20239 for Larry Roth in the SW 1/4 of Section 20 and the NW 1/4 of Section 29 in Wisner Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 20239*, filed March 29, 2023, by Applicant Larry Roth. Under the Application, Applicant seeks to install a 301-acre drain tile system in the SW 1/4 of Section 20 and the NW 1/4 of Section 29 in Wisner Township, Cass County, North Dakota. The project will include two pump outlets; the first will be in the southeast corner of the SW 1/4 of Section 20; the pump will discharge into the north road ditch along Cass County Highway 34; the discharge will flow east in the north road ditch, along the south boundary of the SE 1/4 of Section 20; at the southeast corner of the SE 1/4 of Section 20, the discharge will turn south, under Highway 34 through an existing culvert, and into Cass County Drain No. 26, a legal assessment drain owned and operated by the North Cass Water Resource District. The second pump will be in the northeast corner of the NW 1/4 of Section 29; the pump will discharge directly into Drain 26.

According to County tax roll information supplied by Applicant, Larry and Leone Roth own the SW 1/4 of Section 20 and the NW 1/4 of Section 29 in Wisner Township. The County owns or controls its Highway 34 right of way. Alice Richards owns the SE 1/4 of Section 20.

Manager Thompson moved, and Manager Lougheed seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20239*, filed March 29, 2023, for Larry Roth regarding a proposed tile system in the SW 1/4 of Section 20 and the NW 1/4 of Section 29 in Wisner Township; and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 20239*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into Cass County Drain No. 26.
2. Applicant will install and maintain erosion protection at any and all outlets into Cass County's Highway 34 road ditch.
3. Applicant will set and install any drain tile pump at least 25 feet from the top of the back slope of Cass County Drain No. 26, with a pipe buried from the pump to Drain No. 26.
4. Applicant will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the North Cass Water Resource District.
5. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
6. Applicant will remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to one mile downstream of Applicant's project outlet.
7. 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 SW 1/4 of Section 20 or the NW 1/4 of Section 29 in Wisner Township under any blanket easements, or otherwise beyond the Water Users District's existing easement(s).
8. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 20239* 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.

With regard to condition #6, Applicant's obligations to remove silt or vegetation, or to repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

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 the Cass County Highway Department to discharge into or otherwise utilize any of the County's Highway 34 right of way.
2. The Board recommends that Applicant obtain all other necessary and requisite licenses, permit, 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* and *Subsurface Water Management Permit No. 20239* to the North Dakota Department of Water Resources, Alice Richards, 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.

Cass County Planning

A motion was made by Manager Thompson, seconded by Manager Lougheed and unanimously carried to authorize the Secretary-Treasurer to submit comment on the following subdivision applications to Cass County Planning, with input from the Water Resource District Engineer:

- Pacholke Subdivision
- Woitzel Subdivision

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: Thompson and Lougheed. Chairman Ecker was absent. The motion passed.

Drain #26 Improvement Project

Alexa Ducioame discussed a preliminary engineering proposal for the Drain #26 Improvement Project in the N 1/2 of Section 28 and the NW 1/4 of Section 27 in Wisner Township.

A motion was made by Manager Thompson and seconded by Manager Lougheed to do the following regarding preliminary engineering for the Drain #26 Improvement Project in the N 1/2 of Section 28 and NW 1/4 of Section 27 in Wisner Township:

- Authorize the Secretary-Treasurer to submit a request for cost-share to the North Dakota Department of Water Resources (NDDWR)
- Authorize Moore Engineering, Inc. to begin preliminary engineering work upon approval of cost-share from the NDDWR

Upon roll call vote, the motion carried unanimously.

Elm River Dam Nos. 1, 2 and 3

Manager Thompson reported on current conditions at Elm River Dam Nos. 1, 2 and 3. The earthen emergency spillway is in use at Elm River Dam No. 1 and some erosion has occurred at the east end of the spillway. The upcoming Elm River Dams No. 1 and No. 2 Improvement Project No. 2022-01 will help reduce the frequency the emergency spillway at Elm River Dam No. 1 is utilized. Elm River Dam No. 2 is not expected to utilize the spillway this year. Elm River Dam No. 3 is functioning well since the completion of the Elm River Dam No. 3 Improvements 2022 Project.

Red River Joint Water Resource District – Steamboat Award

Sean Fredricks reported the Red River Joint Water Resource District is considering renaming the Steamboat Award after Manager Thompson and Nelson County Water Resource District Manager Ben Varnson. Manager Thompson and Mr. Varnson were instrumental in forming the Red River Joint Water Resource District and both continue to serve on various Water Resource Districts.

Adjournment

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

APPROVED:

Wes Ecker
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer