

MINUTES OF VIRTUAL / CONFERENCE CALL SPECIAL MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
HERITAGE CONFERENCE ROOM
WEST FARGO, NORTH DAKOTA
AUGUST 16, 2024
8:00 A.M.

A virtual / conference call special meeting of the Maple River Water Resource District was held on August 16, 2024, at 8:00 a.m.

Present were Rodger Olson, Chairman; Gerald Melvin, Manager; Chad Miller, Manager; Melissa Hinkemeyer, Director, Secretary; Carolyn Fiechtner, Administrative Assistant; Sean M. Fredricks, and David C. Piper, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, and Brady Woodard, Moore Engineering, Inc.; Duane Breitling, Cass County Commissioner; Cole Hanson, Cass County Planner; David Larson, Buffalo Township Board of Township Supervisors Chairman; Randal Melvin, Hill Township property owner; and Tyler Hare, Dazey resident.

Application to Install a Subsurface Water Management System No. 202420 for Donald Garnas in the SE 1/4 of Section 16 in Rochester Township

The Board reviewed *Application to Install a Subsurface Water Management System No. 202420*, filed August 15, 2024, by Applicant Donald Garnas. Under the Application, Applicant seeks to install a 126-acre drain tile system in the SE 1/4 of Section 16 in Rochester Township, Cass County, North Dakota. The project will include a single pump outlet located in the southwest corner of the SE 1/4 of Section 16; the outlet will discharge via an underground pipeline that will run to the north to the northwest corner of the SE 1/4 of Section 16; the pipeline will discharge into an existing private ditch in the northwest corner; the discharge will flow through the private ditch to the west, along the north boundary of the SW 1/4 of Section 16; prior to the northwest corner of the SW 1/4 of Section 16, the private ditch turns south for a short distance, then to the west to the west boundary of the SW 1/4 of Section 16; the ditch then runs south, along the west boundary of the SW 1/4 of Section 16, along 134th Avenue SE.

According to Cass County tax records, the Donald M. Garnas and Ruth L. Garnas Loving Trust owns the SE 1/4 of Section 16 in Rochester Township, where Applicant intends to install the tile system. With regard to downstream landowners, Louis E. Davis owns the SW 1/4 of Section 16.

Manager Miller moved, and Manager Melvin seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 202420*, filed August 15, 2024, for Donald Garnas regarding a proposed tile system in the SE 1/4 of Section 16 in Rochester Township; and to authorize the Secretary to sign *Subsurface Water Management Permit No. 202420*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at the project outlet.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. Applicant will 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 SE 1/4 of Section 16 in Rochester Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
5. 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 the project outlet.
6. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 202420* 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 #5, 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 Rochester Township Board of Township Supervisors to discharge through or otherwise utilize any of the Township's road right of way.
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. 202420*, and Applicant's downstream flow map to the North

Dakota Department of Water Resources, Rochester Township, downstream landowner Louis E. Davis, 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.

Drainage issues in the SW 1/4 of Section 25 in Buffalo Township

David Larson, Buffalo Township Chairman, discussed drainage issues in the SW 1/4 of Section 25 in Buffalo Township. Mr. Larson stated concerns regarding a culvert that has filled with sediment, as well as past activity that obstructed drainage in the Township road ditch. The Township is requesting direction from the Water Resource District on resolving the drainage issues in the SW 1/4 of Section 25 in Buffalo Township. Sean Fredricks noted that although the drainage issues are near the Garsteig Dam, funds from the Garsteig-Emden maintenance assessment district cannot be used for improvements to get water to the Dam, those funds can only be used for operation and maintenance of the Dam.

The Board advised Buffalo Township to work with the property owner adjacent to the culvert to clean out the sediment from the culvert. The Board also advised Buffalo Township to discuss restoring drainage in the Township road ditch with their legal counsel.

Cass County Planning - Dam Faughts Subdivision

Cole Hanson briefly discussed the Dam Faughts Subdivision application filed with Cass County Planning and requested comments from the Board. The Board noted access to the property may be difficult during a flood event. The Board also indicated access to adjacent Absaraka Dam will need to be retained. The Board asked Mr. Hanson to coordinate with the Dam Faughts Subdivision property owners and the Water Resource District Engineer to ensure the Water Resource District retains access to Absaraka Dam.

Tree removal on Maple River Water Resource District facilities

Brady Woodard discussed a quote from a contractor to remove woody material from various Maple River Water Resource District facilities.

It was moved by Manager Melvin and seconded by Manager Miller to approve and authorize the Chairman to sign the *Agreement* with Pro Landscapers LLC regarding removal of woody vegetation from various Maple River Water Resource District facilities, as presented. Upon roll call vote, the motion carried unanimously.

2024 facility inspections

Mr. Woodard presented the 2024 facility inspections report for the Maple River Water Resource District facilities.

A motion was made by Manager Miller and seconded by Manager Melvin to authorize Moore Engineering, Inc. to hire a contractor to complete repairs at the following sites:

- Cass-Richland Drain #1 – Sites #2, #4, #6, and #8
- Drain #14 – Site #3, only installing a flap gate if a flap gate was previously installed
- Drain #14 – Site #13, only installing a flap gate if a flap gate was previously installed

- Drain #14 – Site #14
- Drain #15 – Site #8
- Drain #37 – Sites #3, #6, and #7
- Drain #39 – Site #9, only installing a flap gate if a flap gate was previously installed
- Drain #46 – Sites #9 and #21
- Drain #56 – Sites #21 (only if necessary), #23, and #24

Upon roll call vote, the motion carried unanimously.

Adjournment

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

APPROVED:

Rodger Olson
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary