

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
OCTOBER 21, 2024
8:30 A.M.

A virtual / conference call special meeting of the Maple River Water Resource District was held on October 21, 2024, at 8:30 a.m.

Present were Gerald Melvin, Chairman; Chad Miller, Manager; Dallas Hoffmann, Manager; Melissa Hinkemeyer, Director, Secretary; Leilei Bao, Treasurer; Elizabeth Smith, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne and Alexa Ducioame, Moore Engineering, Inc.

Application to Install a Subsurface Water Management System No. 202423 for Reed Erickson in the SW 1/4 of Section 19 in Empire Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 202423*, filed October 2, 2024, by Applicant Reed Erickson. Under the Application, Applicant seeks to install a 50-acre drain tile system in that portion of the SW 1/4 of Section 19 in Empire Township lying north of BNSF's right of way. The project will include a single gravity outlet in the SW 1/4 of Section 19; the outlet will discharge into what Applicant describes as a private drain; the discharge will flow to the west, across the SE 1/4 of Section 19, to the southeast corner of the SE 1/4 of Section 19; from there, the discharge will flow east in the north road ditch along 28th Street SE; the discharge will flow to the east, in the north road ditch along 28th Street and along the south boundary of the SW 1/4 of Section 20; the discharge will flow south, through an existing culvert under 28th Street, and will continue to the south, across the W 1/2 of Section 29, northwest of BNSF's right of way.

According to records submitted by Applicant, with regard to the property Applicant intends to tile, Reed Erickson owns the SW 1/4 of Section 19 in Empire Township, less railroad right of way. With regard to downstream landowners, Bert and Diana Schauer own the SE 1/4 of Section 19; Michael Kasowski owns the SW 1/4 of Section 20; Jennifer McLeod, Andrew McLeod, and Christopher McLeod own the NW 1/4 of Section 29; and the Ann and Michael Faught Joint Revocable Living Trust owns the SW 1/4 of Section 29. Once the project tile discharge flows one mile from the project outlet, no further downstream notices are required under N.D. Cent. Code § 61-32-03.1.

Manager Miller moved, and Manager Hoffmann seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 202423*, filed October 2, 2024, for Reed Erickson regarding a proposed tile system in the SW 1/4 of

Section 19 in Empire Township; and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 202423, subject to the following conditions:

1. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
2. Applicant will install and maintain adequate erosion protection at the project outlet.
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 SW 1/4 of Section 19 in Empire Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
4. 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 of the project outlet.
5. Applicant must apply for an amendment to Subsurface Water Management Permit No. 202423 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 #4, 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 Empire Township Board 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. 202423, and Applicant's downstream flow map to the Department of Water Resources, Empire Township, Bert and Diana Schauer,

Michael Kasowski, Jennifer McLeod, Andrew McLeod, Christopher McLeod, the Ann and Michael Faught Joint Revocable Living 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.

Adjournment

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

APPROVED:

Gerald Melvin
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary