

MINUTES OF NORTH CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
HERITAGE CONFERENCE ROOM
WEST FARGO, NORTH DAKOTA
MARCH 25, 2025
8:00 A.M.

A meeting of the North Cass Water Resource District was held on March 25, 2025, at 8:00 a.m.

Present were Ken Loughheed, Chairman; Robert Thompson, Manager; Jay Colwell, Manager; Amy Hepper, Accountant; Elizabeth Smith, Administrative Assistant; Rita Nelson, Accounting Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Brady Woodard, and Levi Hanson, Moore Engineering, Inc.; Duane Breitling, Cass County Commissioner; Tom Soucy, Cass County Highway Department; Myron Hoag, Gunkel Township property owner, and Mark Sorvaag, Gardner Township property owner.

Approval of Agenda and Minutes

It was moved by Manager Thompson, seconded by Manager Colwell, and unanimously carried to approve the order of the agenda and the minutes of the February 25, 2025, meeting, as presented.

Drain #13 – erosion at the bridge between Sections 10 and 15 of Wiser Township

Alexa Ducioame stated the current meeting minutes do not reflect the project limits of the cost-share request submitted to the State Water Commission. Ms. Ducioame recommended amending the minutes to reflect the project limits in the cost-share request.

A motion was made by Manager Colwell and seconded by Manager Thompson to amend the motion from the January 28, 2025 minutes regarding the Drain #13 erosion study. The amended motion is as follows:

A motion was made by Manager Colwell and seconded by Manager Thompson to authorize Moore Engineering, Inc. to submit a cost-share application to the State Water Commission and proceed with the study of the erosion of Drain #13 in the channel from Highway 81 to the outlet into the Red River conditional on the approval of cost-share funding from the State Water Commission.

Discussion: Gregory Gebeke inquired if the Metro Flood Diversion Project will increase the amount of water flowing into Drain #13. Kurt Lysne stated that the Metro Flood Diversion Project will not impact Drain #13.

Upon roll call vote, the motion carried unanimously.

Upon roll call vote, the motion carried unanimously.

Drain #23 – Right of way

Brady Woodard briefly updated the Board on the status of the right of way acquisition regarding Drain #23. Mr. Woodard reported that he has not received any physical signatures yet, just verbal confirmation that property owners are interested in signing an easement regarding Drain #23 right of way.

Drain #42 – Slides east of Cass County Highway 31

Ms. Ducioame reported that Moore Engineering, Inc. is preparing cost-share applications regarding the Drain #42 slides repairs east of Cass County Highway 31 for the Cass County Flood Sales Tax Committee meeting on April 21, 2025, and for the North Dakota State Water Commission.

Costello Drain

Ms. Ducioame reported that Moore Engineering, Inc. prepared a cost estimate to proceed through the voting process to turn Costello Drain into a legal assessment drain. Moore Engineering, Inc. recommended a bond amount of \$75,000. Attorney Sean Fredricks agreed that this is a reasonable bond amount. Discussion was held on the next steps for the Property owners regarding the Costello Drain.

A motion was made by Manager Colwell and seconded by Manager Thompson to require property owners to submit a petition and bond of \$75,000 to the North Cass Water Resource District to pursue the Costello Drain project. Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Water Management System No. 20252 for Mike Bring in the NW 1/4 of Section 33 in Hunter Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 20252*, filed February 28, 2025, by Applicant Mike Bring. Under the Application, Applicant seeks to install a 154-acre drain tile system in the NW 1/4 of Section 33 in Hunter Township, Cass County, North Dakota. The project will connect to an existing tile pump in the southeast corner of the SW 1/4 of Section 28 previously installed for a tile system in the SW 1/4 of Section 28, a system permitted under *Subsurface Water Management Permit No. 20205*, approved by the Board on May 26, 2020, for permittee Wieland Investments LLLP. Applicant's project in the NW 1/4 of Section 33 will connect to the tile pump in the southeast corner of the SW 1/4 of Section 28 via a pipeline under 17th Street SE. The existing pump discharges into the north road ditch along 17th Street SE; the tile discharge flows east through the north road ditch along 17th Street SE, along the south boundary of the SE 1/4 of Section 28 and the SW 1/4 of Section 27.

According to Cass County records, Mike Bring owns the property Applicant intends to tile in the NW 1/4 of Section 33 in Hunter Township. Wieland Legacy Partnership LLLP owns the SW 1/4 of Section 28 in Hunter Township. With regard to downstream property owners, Dickson Investment LLLP owns the SE 1/4 of Section 28, and Wieland Legacy Partnership LLLP owns the SW 1/4 of Section 27.

Manager Thompson moved, and Manager Colwell seconded the motion, to approve

Application to Install a Subsurface Water Management System No. 20252, filed February 28, 2025, for Mike Bring regarding a proposed tile system in the NW 1/4 of Section 33 in Hunter Township; and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 20252*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into Hunter Township's road right of way.
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 North Cass Water Resource District.
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 downstream of the project outlet.
5. 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 NW 1/4 of Section 33 in Hunter Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
6. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 20252* 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 recommends that Applicant comply with the following:

1. The Board recommends that Applicant obtain and record an easement from the owner of the SW 1/4 of Section 28 in Hunter Township to connect Applicant's system to the tile pump in the southeast corner of the SW 1/4 of Section 28.
2. The Board recommends that Applicant obtain written permission from the Hunter Township Board of Township Supervisors to discharge into or

otherwise utilize any of the Township's road right of way.

3. The Board recommends that Applicant obtain written permission from the Hunter Township Board of Township Supervisors to install any project components within any of the Township's road right of way.
4. 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. 20252*, and Applicant's downstream flow map to the Department of Water Resources, Hunter Township, Wieland Legacy Partnership LLLP, Dickson Investment LLLP, 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.

Utility Permits for Halstad Telephone Company to install fiber optic cable and HDPE Duct at various locations under Water Resource District facilities

It was moved by Manager Colwell and seconded by Manager Thompson to approve the *Utility Permits* for Halstad Telephone Company to install fiber optic cables and HDPE Duct under the following facilities and locations, with input from the Water Resource District Engineer:

- Drain #13 in the SW 1/4 SE 1/4 of Section 22 in Wiser Township
- Drain #16 in the SE 1/4 SW 1/4 of Section 5 in Noble Township
- Drain #16 in the SW 1/4 SW 1/4 of Section 6 in Noble Township
- Drain #16 in the SW 1/4 SW 1/4 of Section 2 in Kinyon Township
- Drain #18 in the SW 1/4 SW 1/4 of Section 17 in Noble Township
- Drain #18 in the NW 1/4 NE 1/4 of Section 23 in Kinyon Township
- Drain #19 in the NW 1/4 NW 1/4 of Section 29 in Noble Township
- Drain #19 in the NW 1/4 NW 1/4 of Section 30 in Noble Township
- Drain #19 in the NW 1/4 NW 1/4 of Section 25 in Kinyon Township
- Drain #19 in the NW 1/4 NW 1/4 of Section 26 in Kinyon Township
- Drain #22 in the SW 1/4 SW 1/4 of Section 34 in Noble Township
- Drain #22 in the SE 1/4 SW 1/4 of Section 33 in Noble Township
- Drain #22 in the SW 1/4 SW 1/4 of Section 32 in Noble Township
- Drain #22 in the NW 1/4 NW 1/4 of Section 32 in Noble Township
- Drain #23 in the NW 1/4 NW 1/4 of Section 8 in Wiser Township
- Drain #23 in the NW 1/4 NW 1/4 of Section 7 in Wiser Township
- Drain #24 in the NW 1/4 NW 1/4 of Section 17 in Wiser Township
- Drain #25 in the NW 1/4 NW 1/4 of Section 20 in Wiser Township
- Drain #26 in the NE 1/4 NE 1/4 of Section 29 in Wiser Township
- Drain #31 in the NW 1/4 NW 1/4 of Section 17 in Noble Township
- Drain #42 in the NW 1/4 SW 1/4 of Section 6 in Noble Township
- Tributary of the Red River in the SW 1/4 of SW 1/4 of Section 24 in Wiser Township

Discussion: Discussion was held on the locations of these utility permits and how they may be affected by culverts. Kurt Lysne indicated utilities are not permitted to cross underneath structures including bridges and culverts.

Upon roll call vote, the motion carried unanimously.

Flood Risk Reduction Project Request Letter – Spring 2025

Brief discussion was held on the letter from the Cass County Flood Sales Tax Committee regarding projects to submit for their upcoming meeting. Mr. Lysne indicated there is a cost-share request for Drain #42 that will be considered at their upcoming meeting.

Bills

It was moved by Manager Thompson and seconded by Manager Colwell to approve the wire transfers and electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

Drain #41 Slides - Gunkel Township

Myron Hoag discussed slides on Drain #41 in Gunkel Township. Mr. Woodard stated Moore Engineering, Inc. has noted the slides and is continuing to monitor them. Discussion was held on available funding regarding Drain #41. Moore Engineering, Inc. will continue to monitor the slides as funding is not currently available for this project.

Adjournment

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

APPROVED:

Ken Lougheed
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary