

## **DRAFT**

**These are DRAFT minutes, subject to amendment before final approval by the  
Maple River Water Resource District.**

MINUTES OF MAPLE RIVER WATER RESOURCE DISTRICT MEETING  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
HERITAGE CONFERENCE ROOM  
WEST FARGO, NORTH DAKOTA  
APRIL 3, 2025  
8:00 A.M.

A meeting of the Maple River Water Resource District (MRWRD) was held on April 3, 2025, at 8:00 a.m.

Present were Gerald Melvin, Chairman; Chad Miller, Manager; Dallas Hoffmann, Manager; Melissa Hinkemeyer, Director, Secretary-Treasurer; Amy Hepper, Accountant; Elizabeth Smith, Administrative Assistant; Rita Nelson, Accounting Assistant; Sean M. Fredricks and David C. Piper, Ohnstad Twichell, P.C.; Alexa Ducioame, Brady Woodard, and Levi Hanson, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Tom Soucy, Cass County Highway Department; Ryan Barkie, DL Barkie Construction, Inc.; Sidney Steinweg, Davenport Township property owner; Ron Geerdes, Addison Township property owner; and Carl Piper, Maple River Township property owner.

### **Approval of agenda**

It was moved by Manager Miller, seconded by Manager Hoffmann, and unanimously carried to approve the order of the agenda, as amended.

### **Minutes**

It was moved by Manager Miller, seconded by Manager Hoffmann, and unanimously carried to approve the minutes of the March 6, 2025, meeting, as presented.

### **Weed Control**

Brady Woodard briefly reviewed the three weed control bids that were received. All three contractors have worked for MRWRD in the past. Discussion was held on the bids. Ryan Barkie stated that most of his company's work is completed with a drone that has an adjustable boom width from 10 to 30 feet. The use of drones presents a reduced risk of drift to neighboring properties.

A motion was made by Manager Miller and seconded by Manager Hoffmann to approve and authorize the Chairman to sign the *Agreement* with DL Barkie Construction, Inc. to provide aerial and ground spraying services for weed, cattail, tree and brush control on Maple River Water Resource District facilities for 2025. Upon roll call vote, the motion carried unanimously.

Mr. Woodard will work with DL Barkie Construction, Inc. and keep the Board up to date on weed control activities regarding Maple River Water Resource District facilities.

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### **Drain #34 Channel Improvement Project No. 2022-01**

Alexa Ducioame updated the Board on the status of the Drain #34 Channel Improvement Project No. 2022-01. Ms. Ducioame stated that cost-share for the project has been approved by the State Water Commission. Once potential legislative changes impacting water resource districts are known, Moore Engineering, Inc. will bring back recommended next steps for the project.

### **Drain #37 Improvement Project No. 2022-01**

Ms. Ducioame indicated the Drain #37 Improvement Project No. 2022-01 is on hold until the financing for the project is established. Ms. Ducioame indicated that the previous cost-share request could be withdrawn and the financing for the project reanalyzed.

A motion was made by Manager Hoffmann and seconded by Manager Miller to authorize Moore Engineering, Inc. to withdraw the current cost-share request at the State Water Commission regarding the Drain #37 Improvement Project No. 2022-01. Upon roll call vote, the motion carried unanimously.

### **Drain #39 Improvement Project No. 2023-01**

Ms. Ducioame stated that Moore Engineering, Inc. is continuing to meet with landowners regarding right of way for the Drain #39 Improvement Project No. 2023-01. Moore Engineering, Inc. is preparing a cost-share application to submit to the North Dakota Department of Water Resources (NDDWR).

A motion was made by Manager Miller and seconded by Manager Hoffmann to authorize the Secretary to sign a cover letter to accompany the cost share application to the NDDWR regarding the Drain #39 Improvement Project No. 2023-01. Upon roll call vote, the motion carried unanimously.

### **Lynchburg-Buffalo Project No. 2023-01**

Ms. Ducioame updated the Board on the status of the Lynchburg-Buffalo Project No. 2023-01. Ms. Ducioame reported that Moore Engineering, Inc. is working on final design and they are continuing to communicate with landowners regarding the project design, right of way, and low water crossings. Moore Engineering, Inc. bring more information regarding low water crossings to a future meeting for discussion.

### **Cornell Township Drainage Improvement District No. 80**

Brief discussion was held on the status of the petition for the Cornell Township Drainage Improvement District No. 80. The petitioners have selected a preferred project design and are gathering signatures for the updated petition. Once the petition is received, the Board can proceed with a benefits analysis and preparation for a vote.

### **Davenport Flood Risk Reduction Project**

Ms. Ducioame updated the Board on the Davenport Flood Risk Reduction Project. Moore Engineering, Inc. continues to work with Burlington Northern Santa Fe Railway Company (BNSF) and Red River Valley & Western Railroad Company regarding an agreement related to operation and maintenance of the project. BNSF continues to review the agreement for the project.

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Sidney Steinweg inquired about the timeline regarding staking out the project right of way. Discussion was held on the staking of the project right of way. Mr. Woodard stated that Moore Engineering, Inc. plans to stake out the right of way area when the weather improves. They will continue to communicate with Mr. Steinweg and his tenant.

### **Maple River low head dam hazard mitigation project**

Ms. Ducioame reported that Moore Engineering, Inc. conducted the survey for the Maple River low head dam hazard mitigation project in January of 2025. Moore Engineering, Inc. is working on the preliminary design for the Project.

### **Regional Conservation Partnership Program – Upper Maple River Watershed**

Ms. Ducioame updated the Board on the RCPP – Upper Maple River Watershed Plan. National Watershed Management Center is currently reviewing the plan.

### **Upper Maple River Dam – 2025 Lease Agreement with Kyle Zerface**

Mr. Woodard reported the Kyle Zerface is interested in renewing his *Lease Agreement* at the Upper Maple River Dam with the same terms as 2024.

It was moved by Manager Miller and seconded by Manager Hoffmann to approve and authorize the Chairman to sign the 2025 *Lease Agreement* with Kyle Zerface regarding the Upper Maple River Dam. Upon roll call vote, the motion carried unanimously.

### **Application to Install a Subsurface Water Management System No. 20253 for Carl Piper in the S 1/2 of Section 24 in Maple River Township**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 20253*, filed March 14, 2025, by Applicant Carl Piper. Under the Application, Applicant seeks to install a 93-acre drain tile system in the S 1/2 of Section 24 in Maple River Township, Cass County, North Dakota. The project will include two gravity outlets; the first outlet will be located in the southeast corner of the SE 1/4 of Section 24 and the second will be approximately a quarter-mile north, along the east boundary of the SE 1/4 of Section 24. Both outlets will discharge directly into Cass County Drain No. 39, a legal assessment drain owned and operated by the Maple River Water Resource District.

With regard to the property Applicant intends to tile, according to Cass County tax records, Carl and Karen Piper own Auditor's Lot 1 in the SW 1/4 of Section 24 in Maple River Township; the Jane M. Piper Revocable Living Trust owns the remainder of the SW 1/4 of Section 24 in Maple River Township; and the Eugene E. Piper Revocable Living Trust owns the SE 1/4 of Section 24 in Maple River Township. Because the project will discharge directly into a legal assessment drain, no downstream notices are required under N.D. Cent. Code § 61-32-03.1.

Manager Hoffmann moved, and Manager Miller seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20253*, filed March 14, 2025, for Carl Piper regarding a proposed tile system in the S 1/2 of Section 24 in Maple River Township; and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 20253*, subject to the following conditions:

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1. Applicant will install and maintain erosion protection at any and all outlets into Cass County Drain No. 39.
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 24 in Maple River 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. 20253* 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 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*, downstream flow map, and *Subsurface Water Management Permit No. 20253* to the Department of Water Resources, the Jane M. Piper Revocable Living Trust, the Eugene E. Piper Revocable Living Trust, Maple River Township, 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.

### **Application to Install a Subsurface Water Management System No. 20254 for William Buchholz in the E 1/2 of Section 36 in Gill Township**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 20254*, filed March 26, 2025, by Applicant William Buchholz. Under the Application, Applicant seeks to install a 311-acre drain tile system in the E 1/2 of Section 36 in Gill Township, Cass County, North Dakota. The project will include a single pump outlet, located along the east boundary of the SE 1/4 of Section 36. The pump will discharge directly into a natural watercourse, as that term is defined under N.D. Cent. Code § 61-01-06; the natural watercourse flows to the east, under 151st Avenue SE.

According to Cass County tax records, William Buchholz owns the E 1/2 of Section 36 in Gill Township. Because the project will discharge directly into a natural watercourse, no downstream notices are required under N.D. Cent. Code § 61-32-03.1.

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Manager Miller moved, and Manager Hoffmann seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20254*, filed March 26, 2025, for William Buchholz regarding a proposed tile system in the E 1/2 of Section 36 in Gill Township; and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 20254*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into the natural watercourse in the SE 1/4 of Section 36 in Gill Township.
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 E 1/2 of Section 36 in Gill Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
5. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 20254* 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 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* and *Subsurface Water Management Permit No. 20254* to the Department of Water Resources, Gill Township, 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.

### **Notification to Install a Subsurface Water Management System for William Buchholz in the SW 1/4 of Section 9 in Maple River Township**

The Board received and filed the *Notification to Install Subsurface Water Management Systems* for William Buchholz in the SW 1/4 of Section 9 of Maple River Township.

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### **Items for review and approval, with input from the Water Resource District Engineer**

Manager Hoffmann moved to approve the following Utility Permits with input from the Water Resource District Engineer:

- *Utility Permit* for BEK Communications to install fiber optic cable and innerduct under the Maple River south of Cass County Highway 10 in Section 27 of Tower Township
- *Utility Permit* for Dickey Rural Telephone Cooperative to install fiber optic cable under the Maple River south of Cass County Highway 10 in Section 27 of Tower Township

Manager Miller seconded the motion. Upon roll call vote, the motion carried unanimously.

### **North Dakota Insurance Reserve Fund – Annual Meeting Proxy**

The Secretary reported a letter was received from the North Dakota Insurance Reserve Fund providing notice of their upcoming annual meeting and proxy for the election of officers.

A motion was made by Manager Miller and seconded by Manager Hoffmann to authorize the Secretary to sign and return the North Dakota Insurance Reserve Fund proxy for Maple River Water Resource District. Upon roll call vote, the motion carried unanimously.

### **Bills**

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

### **Drain #14 – Animal Damage Control**

Mr. Woodard indicated there are beaver dam removal needs on Drain #14. The beavers have been removed from the area.

A motion was made by Manager Miller and seconded by Manager Hoffmann to authorize Moore Engineering, Inc. to hire a contractor to remove beaver dams on Drain #14 in Section 4 of Mapleton Township. Upon roll call vote, the motion carried unanimously.

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### Adjournment

There being no further business to be considered by the Board, it was moved by Manager Hoffmann and seconded by Manager Miller to adjourn the meeting. The meeting adjourned without objection.

APPROVED:

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Gerald Melvin  
Chairman

ATTEST:

\_\_\_\_\_  
Melissa Hinkemeyer  
Secretary