

UNAPPROVED

Motion by Mr. Marvin Hedlund, seconded by Mr. John W Nelson to adopt the Special Conditions and Findings to permit within the Drainage Area of Judicial Ditch #25-1.

SPECIAL CONDITIONS TO PERMIT WITHIN THE DRAINAGE AREA OF JUDICIAL DITCH #25-1 (NON-APPEALING PROPERTIES)

FINDINGS:

The permittee has described, in the permit application, a drainage activity that will divert water to or cast water into Judicial Ditch #25-1, a legal drainage system as defined in the District's rules. The property which is the subject of this permit is currently located within the benefitted area of Judicial Ditch #25-1, as redetermined by order of the Drainage Authority on September 17, 2012. The redetermination of benefits is currently under appeal. Because the validity of the redetermined benefitted area is in dispute, the following special conditions are made part of this permit:

SPECIAL CONDITIONS

1. This permit is granted contingent on the validity of the benefitted area of Judicial Ditch #25-1 as ordered by the Drainage Authority on September 17, 2012.
2. Should the benefitted area of Judicial Ditch #25-1, as ordered by the Drainage Authority on September 17, 2012, be vacated by the District Court, placing the property which is the subject of this permit outside of the benefitted area of Judicial Ditch #25-1, the permittee is required to initiate proceedings under MN Statute §103E.401 for permission to use Judicial Ditch #25-1 as an outlet for drainage.
3. Failure to follow the conditions or special conditions of this permit will be subject to enforcement action by the District to include the removal of any drainage improvements made under the permit.

DENIAL OF PERMIT WITHIN THE DRAINAGE AREA OF JUDICIAL DITCH #25-1 (APPEALING PROPERTIES)

FINDINGS:

1. The applicant has described, in the permit application, a drainage activity that will divert water to or cast water into Judicial Ditch #25-1, a legal drainage system as defined in the District's rules.
2. The property which is the subject of this permit is currently located within the benefitted area of Judicial Ditch #25-1, as redetermined by order of the Drainage Authority on September 17, 2012.

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3. The applicant is currently appealing the redetermination of benefits, is specifically challenging the validity of the redetermination and is seeking to have the redetermination of benefits declared null and void.
4. The applicant's appeal of the redetermination of benefits creates uncertainty to whether the property which is the subject of the permit application is allowed to divert water to or cast water into Judicial Ditch #25-1 without first initiating proceedings to use the drainage system as an outlet as is required by MN Statutes §103E.401.
5. Because of this uncertainty, the permit application is **DENIED**.
6. The application may be reconsidered upon the following actions of the applicant: (1) dismissal of that part of the applicant's appeal challenging the validity of the redetermination of benefits; or (2) petition the Drainage Authority for permission to use Judicial Ditch #25-1 as an outlet for drainage MN Statutes §103E.401.
7. Upon satisfaction of the conditions for reconsideration of the permit application, the District may grant the permit subject to one or more of the following special conditions:
 - a. Granting of the permit contingent on the validity of the benefitted area of Judicial Ditch #25-1, as ordered by the Drainage Authority on September 17, 2012.
 - b. Requiring permittee to initiate proceedings under MN Statutes §103E.401 for permission to use Judicial Ditch #25-1 as an outlet for drainage should the benefitted area of Judicial Ditch #25-1, as ordered by the Drainage Authority on September 17, 2012, be vacated by the District Court, placing the property which is the subject of the permit outside of the benefitted area of Judicial Ditch #25-1.
 - c. Subjecting the permittee to enforcement action by the District to include the removal of any drainage improvements made under the permit for failure to follow the conditions or special conditions of the permit.

Motion unanimously carried.

The following permits were unanimously approved:

1. Permit (13-048) to Peter Erickson to install 148 acres drain tile, 3/8" coefficient, 7.5 HP (1200 GPM) NW4 Section 7 and a portion of SW4 SW4, Section 6, Viking Strip Township, with the Special Conditions to Permit Within the Drainage Area of Judicial Ditch #25-1 (Non-Appealing Properties) as adopted by the Board. (motion by Marvin Hedlund, seconded by John W Nelson).
2. Permit (13-085) to John Bjorness to install a field crossing with a 36" culvert, JD #15 Branch C, NE4 NE4, Section 15, New Solem Township, with District to set the grade and landowner pays costs. (Motion John W Nelson, seconded Roger Hille).
3. Permit (13-086) Anthony Kostrzewski to install a field crossing with an 18" culvert, East Township road ditch, NW4 SW4, Section 2, Wanger Township. (Motion Roger Hille, seconded Marvin Hedlund).

The Administrator was directed to send a letter to the landowner in the NW4 NW4 of Section 2 of Wanger Township, informing them to remove the culvert, as no permit was issued for the work.

4. Permit (13-088) Craig Jones to install 39 acres drain tile with a gravity outlet into the East CSAH #10 ditch, thru an 8" pipe, SE4 SW4, Section 5, Vega Township. (Motion John W Nelson, seconded David Bakke).

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5. Permit (13-089) Robert Wesolowski to install 22 acres drain tile in SE corner of field with gravity outlet into the North township road ditch near the West end of the field, SW4, Section 13, Comstock Township. (Motion Marvin Hedlund, seconded David Bakke).

6. Permit (13-090) to Jensen Farms to install 100 acres drain tile; ¼" coefficient, 1/8" lateral, 50' spacing; 5 HP (900 GPM) VFD pump in NW corner, draining thru 24" culvert into MN Hwy #75 road ditch, SW4, Section 8, Sinnott Township. (Motion David Bakke, seconded John W Nelson).

7. Permit (13-020) to amend: Joe Pierce to not install a CL culvert at SE4 SE4; install an 18" CL culvert thru road into CD #22, SW4 SE4, Section 27, Comstock Township. (Motion Roger Hille, seconded Marvin Hedlund).

The following permit was unanimously tabled, pending District staff contact landowner and suggest other options:

8. Permit (13-084) JD Anderson Farms Inc to install a 24" centerline culvert, SW4, draining into WD #6, Section 18, Tabor Township. (Motion David Bakke, seconded John W Nelson)

The following permits were Administratively Approved:

9. Permit (13-083) Steve Moen to add 30' to existing 18" field crossing culvert, SW4 NW4, Section 22, Vega Township.

10. Permit (13-087) Damon Stroble to remove a 24" field crossing pipe & install 24" culvert, same elevation and location, NW4 SW4, Section 3, Tabor Township.

The 2013 MAWD Annual Meeting Resolution Process was distributed.

Heidi Hughes reported:

1. That the grant application with the Northwest Minnesota Foundation needs signatures;
2. That the MN DNR is holding an internal meeting to reach a consensus regarding the feasibility of modifying the capacity of Nelson's Slough to hold additional flood waters. The Tamarac Subwatershed Project Work Team will hold a meeting after the DNR completes its review.
3. That no responses were received in regards to the Stephen Dam survey;
4. That the MN Board of Soil and Water Resources has requested fact sheets, images, etc, on the Agassiz Valley Water Resource Management Project for a presentation.
5. The Northwest Regional Development Council and the Northwest Regional Sustainable Development Partnership toured the Agassiz Valley Water Resource Management Project in August.

Motion by Mr. Marvin Hedlund, seconded by Mr. David Bakke to authorize the Chairman and the Administrator to sign the grant application with the Northwest Minnesota Foundation for \$12,800.00. Motion unanimously carried.

Nick Drees reported:

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1. Judicial Ditch #1-that a site showing for the resloping of 2 ½ miles was held on August 29, 2013 and the bid letting is scheduled for September 16, 2013, at 1:00 p.m.
2. Judicial Ditch #14-that the Viewers are in the process of tabulating the lands on the redetermination of benefits and Houston Engineering is working on the right-of-way.
3. Cattail spraying- aerial spraying has been completed; ground spraying is nearly completed.
4. Agassiz Valley Water Resource Mgmt Project the Corps permit is expected shortly; Agassiz Audubon is not renewing the CRP contract in the NW4 of Section 18 of Brandt Township; and a meeting to discuss the CRP with the Northwest Minnesota Foundation is scheduled for September 4, 2013.

John W Nelson left the meeting at approximately 6:35 p.m.

5. Brandt/Angus Project-the NRCS apparently will grant an extension of one year to work up the lands in Section 18 and Section 19 of Brandt Township. It was the consensus of the Board to advertise the lands for rent.
6. Tamarac River Project Work Team-the next meeting is scheduled for September 26, 2013, in Strandquist, Minnesota.

Nick Drees reported that the Open Meeting Lawsuit filed by Jim Stengrim that has been appealed to the Minnesota Supreme Court has denied a hearing and this case is closed; that the appeal of nine landowners to the District Court, regarding the Redetermination of Benefits of Judicial Ditch #25-1 is in the discovery process.

The next meeting is scheduled for September 16, 2013, at 4:00 p.m., at the District office.

By unanimous consent, the meeting was adjourned at approximately 7:00 p.m.

Connie Kujawa
Recording Secretary

Marvin Hedlund
Secretary