

**Barnes County Water Resource District**  
**PO Box 306**  
**Valley City, ND. 58072**  
**(701)845-8508**

01/11/2010

MINUTES

Present: Jeff McMillan, Pat Hurley and Don Johnson

Also present: See attached list

The meeting was called to order at 9:00 AM by Chairman McMillan.

A motion to approve the minutes of the December 14th, 2009 meeting with corrections was made by Board member Pat Hurley. Board member Don Johnson seconded, the motion carried. Motion to approve the Revenue and Expenditure reports by Hurley, seconded by Johnson, the motion carried.

Several people were in attendance regarding the need of a cleanout of the natural water course beginning in Section 21 of Anderson Township. Concerns over blockage in Stewart Township were discussed. It was suggested to survey all of the way to the river. It was noted that a landowner thought that there was high spots in sections 7 & 8 of Stewart. The Fish & Wildlife Service stated that they had no easements that the project would effect at this point. Board member Hurley moved to hire KLJ to survey from County Road 11 to 300 feet East of State Highway 1, seconded by Johnson. The motion carried. Secretary Smith is to contact KLJ. Discussion on the drainage into Eckelson Lake was held. Funding of the project was discussed. Brad Cruff, Barnes County States Attorney explained to the group how assessed drains work. It was decided to proceed with the survey work then look into funding options. A meeting with Landowners will be held at a later date.

Discussion on the Thordenskjold Drain cleanout project was held. States Attorney Cruff, explained how to hold hearings and how assessments work. The minimum amount that can be assessed is \$1.50 per acre. Hurley moved to hold a hearing for a 3 year assessment at a rate of \$1.50 per acre, for maintenance on the drain. Johnson seconded. Discussion was held on a location for the hearing. It was decided to hold the meeting in Kathryn. Secretary Smith will reserve the meeting place.

An Obstruction to Drain Complaint was received from Milo Bucholz on 12/22/2009. The complaint states that the culvert located in the H. Myron Nelson driveway (T 138W R57W NE ¼, Section 27) was reset by the Barnes County Water Resource District in 1987 without jurisdiction. This complaint was sent to the Board's legal council and that response was read to the board. It was decided to send Mr. Bucholz a letter. The following is to be included:

- 1) That Mr. Bucholz's complaint is time barred and lacks specificity to the point that the Board cannot adequately determine whether any meritorious issue has been raised; and
- 2) That N.D.C.C. 61.16 1-09 provides jurisdiction to the Barnes County Water District to control water courses within the District, including placement of culverts.
- 3) Include a copy of the statutory enactment.

A short discussion was held on the Clausen Springs Dam Emergency Spillway repair project. Moore Engineering is currently finalizing construction plans. When this information is available the Board will hold a meeting with the ND Game & Fish, The ND State Water Commission, members of the Red River Joint Water Resource District and the Barnes County Commissioners.

An informal complaint was received that there was field drainage that was directed to flow into the ditch along County Road 21N in Section 27 of Ashatabula Township. NRCS District Conservationist Brent Gustufson noted that this area was within Steele County's NRCS jurisdiction.

There will be a hearing held on and Application to Drain Water from Devils Lake to the Sheyenne River on January 26<sup>th</sup>, 2010 at 9:00 AM in Devils Lake. Board members Hurley and Johnson will attend.

Culvert replacements will be completed on some County Roads this coming construction season. The first will be approximately three miles north of Leal. The second replacement will be on County Road 21N, approximately eight miles north of Valley City. Due to inadequate hydraulic opening the County will be replacing the culverts with box culverts.

Being no further business, Hurley moved and Johnson seconded, to adjourn the meeting.

The next meeting will be on February 8<sup>th</sup>, 2010.