

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

**04/12/2010  
Meeting minutes**

Present: Chairman, Jeff McMillan, Don Johnson, Pat Hurley.

Also present: Brent Gustufson, Dean Carpenter, Shelly Nelson, Tammi Norgard, Duane Lettenmier, Lawrence Woodbury, Jodi Pabst, Tom Cambell, Brad Berg and Commissioner Harlan Opdahl

Dean Carpenter presented a request to have the Barnes County Water Resource District wave downstream landowner permission on a recent Application to Drain #3462 that he had submitted. (NW ½ of the NW ¼ & NE ¼) Board member Pat Hurley informed Mr. Carpenter that the Board is unable to wave any requirement as this would be setting precedence.

Lynn Holcomb, Ashtabula Township, requested that a signed petition to approve an emergency drain be sent to the State Water Commission. In the fall of 2009 the Barnes County Water Resource District sponsored an emergency application to drain for the SE ¼ of section 36, Ashtabula Township. The township road (23<sup>rd</sup> St. SE) has been inundated by water and has become a matter of human health and safety. This application has not yet been approved due to the inability to obtain downstream landowner permission. Pat Hurley reported that Carol Winters (N ½, Section 12, Getchell Township) has requested the US Fish & wildlife Service to cleanout in the NE ¼ of Section 12. Chad Zorn, Us Fish & Wildlife Manager, will be in contact with Hurley when this is completed. It is the hopes that Mrs. Winters will grant approval for the emergency drain once this cleanout has been completed. It was decided to send the petition to the State Water Commission on behalf of Lynn Holcomb.

Hurley reported on flooding that has occurred between Sections 28/33 and 21/28 of Thordenskjold Twonship. Kevin Loibl's farmstead has been surrounded by water leaving his only entrance/exit has been inundated. It was noted that upon onsite inspection, the US Fish & Wildlife Service was asked to cleanout the culvert that lie's between Section 28/33. This has been completed. The US Fish & Wildlife plans to place an additional culvert in this location and level the existing culvert to act as equalizers. A lengthy discussion was held on a drainage project that took place in 1999-2000. This drain was closed due to a deviation from the original approved plan.

Canadian Pacific Railway requested an approval of a culvert replacement in the SE ¼ of the NE ¼ Section 1, Norma Township. Cp Rail has initiated contact with adjacent landowners. The Secretary was instructed to send a letter to CP Rail stating that a formal approval is not required for this in-kind replacement.

Discussion was held on the 1999 Sanborn Lake outlet project. The Secretary was instructed to obtain all plans and costs that may be on file at Kadermas Lee & Jackson.

The Secretary was also asked to follow up on the progress of the survey that was ordered for the Eckelson Lake/Anderson Township project.

The North Dakota State Water Commission sent solicitation of views regarding an Application for Authorization to Construct a Project Within Islands and Beds of Navigable Streams or Waters of the State of North Dakota. Inter-Community Telephone Co.-Nome, ND: Sheyenne River Directional Boring Boring-Valley City, ND. Application No. 1604. Inter Community Telephone Company is planning a project that consists of a directional boring of fiber optics telecommunications cable under the Sheyenne River in the SW ¼ of the NW1/4 of Section 28, T140N, R58W (Valley Township. The Board had no comments or additional information to submit to the State.

Bills were read and approved for payment.

Tami Norgard, Vogel Law Firm, representing Duane Lettenmaier addressed the Board in regards to drainage problems he's suffering with in Hemen Township. Mr. Lettemaier is requesting the Barnes County Water Resource District to provide the necessary assistance to stop the continued flooding of his home and property. Ms. Norgard pointed out three separate issues. 1. Fence line build up that is impounding water on Mr. Lettenmaier between sections 24/25. 2. Obstructions to drain in Section 25. 3. Impoundment of water in section 23, causing ground water to rise, and lack of maintence or obstructions exisiting in an improved drain in section 26. Both of these issues are causing the impoundment of additional water, flooding Lettenmaier's farmstead. Each of these 3 issue's were addresses separately.

1. The natural watercourse has been obstructed at the property line between the southwest and southeast quarters, so water can not pass across the property line and flow to the culvert on the otherside. Mr. Lettenmaier reported this obstruction in July on 2007, and the District agreed that the obstruction in the fence line should be dug out at that time. Mr. Lettenmaier was unable to gain access to the fence line from Roger Berntson, landowner. Mr. Berntson was then asked by Lettemaier to clean out the fence line. This has not yet been completed. Lawerence Woodbury, Houston Engineering, suggested that Mr. Lettenmaier should be able to create a ditch on his side of the half-section line in order to run the water in a channel south toward the road, and a new 24" culvert should be placed in the township road between Sections 24/25. Hurley moved to authorize the drainage way in the SE corner of the SW ¼ of Section 24 and the placement

of a 24" culvert at an elevation of 1469.5 on the west side of the fence line of the ¼ section between 24/25 contingent on NRCS approval. The motion was seconded by Board member Johnson. The motion carried. The Secretary was instructed to send a letter of recommendation of culvert placement to Hemen Township.

2. Ms. Norgard presented the Board with evidence that an obstruction to the drainage way in section 25 existed. Approximately 1 ½ feet of black fill has been placed on the half section along with 7 hay bales. Hurley reported that he has observed the hay bale obstruction and approached Berntson on the matter. Mr. Berntson informed Hurley that the bales served as a deer stand. The Board determined that this is an illegal obstruction. Hurley moved to order the hay bales and any sediment that was placed in the drainage way in the NE corner of the SW ¼ section 25, Hemen Township to be removed, pursuant to NDCC 61-16.1-51. Johnson seconded the motion. The motion carried. The Secretary was instructed to send a certified letter to the Landowner, Kenneth Berntson and to the operator, Roger Berntson. Mr. Berntson will have 30 days from the receipt of the certified letter to have the illegal obstructions removed.
3. Section 23 water impoundment was discussed. Norgard presented the Board with aerial photos of two significant impoundments of water in the southeast quarter of Section 23. In 2006 the District was party to an agreement between Chad Wendell and Duane Lettenmaier. The agreement stated that the ditch culvert that is located in the southeast corner of the southeast quarter of section 23 would remain open, and drains located in the west half of section 23 would remain closed. The purpose of this agreement was to allow water to flow directly south, crossing into and flowing across a drainage ditch across Rodger Berntson's land, rather than running east into the impoundments. Norgard stated that this agreement has not been upheld as the drain that was supposed to be closed pursuant to the agreement was wide open and the drain that should be moving water to the south across Berntson's land was also closed. Mr. Lettenmaier is requesting that the Board hold the parties to this agreement. Hurley moved to survey the improved drain in section 26 contingent on the findings of an onsite investigation. Johnson seconded the motion. The motion carried.

Being no further business, Johnson moved to adjourn.

Respectfully submitted,

Jamie Smith  
Secretary