

Barnes County Water Resource District

PO Box 306

Valley City, ND 58072

701-845-8508

June 13, 2016

MEETING MINUTES

Members Present: Chairman Jerry Hieb, Manager Bruce Anderson, Manager Sean Olauson, Manager Bret Fehr, Mike Opat – Moore Engineering, Sean Fredricks – Ohnstad Twichell.

Absent: Dale Jorissen

Also Present: See Attached List

Chairman Hieb called the meeting to order.

Manager Olauson made a motion to approve the May Minutes with spelling correction. Manager Anderson second. Motion approved.

Sean Fredricks reminded all present of the Legislative Hearing in Minot regarding water districts “eminent domain – quick take” topics. Manager Anderson made a motion to have Linda put together a letter of support for the quick take authority. Manager Olauson second. Motion approved with a roll call vote. Managers Anderson and Olauson are planning to attend to show support for quick take authority.

Harold Pross Complaint – Chairman Hieb gave district an update on this complaint. ND DOT Superintendent John Thompson will give the BCWRD written Right of Access to take block out of the State Highway property. Discussion on who district could get to remove block and who would pay for removal. Manager

Anderson made a motion for the BCWRD get block removed and the district will ask Wade Klubben to remove block. Manager Olauson second. Motion approved with a roll call vote.

S. Wittenberg/Shanenko Complaint – Sean Fredricks reported that there was no resolution as of this meeting. Greg Shanenko addressed the district and talked about the amount of water that comes down in this area, at times. Discussion on setting up a hearing for this complaint. Special Hearing Meeting set for July 18th at 9 am at the Barnes County Highway Department Conference Room.

Thordenskjold Drain Surface Permit – Sean Fredricks reported that we had order to extend the drain and we needed to get right of ways done and all permits that were needed. Now that is all completed, Manager Olauson made a motion to extend Thordenskjold Drain. Manger Fehr second. Motion approved with a roll call vote.

SNAGGING & CLEARING SPECIAL MEETING - Mike Opat handed out Proposed Assessment District Information and went on to review the material. Discussion followed with participation from the audience. Manager Anderson made a motion to approve the Resolution Declaring the Necessity to Create Sheyenne River Snagging and Clearing District #2016-01. Manager Fehr second. Motion approved with a roll call vote.

Shanenko/Al Wittenberg Complaint – District is waiting for Permit to come back from the SWC. Discussion followed. Shelly Nelson, from ND Soil Conservation, addressed the district as this is an SCD Project. Later in the meeting, Lori Frank addressed the district regarding this complaint. We will keep this on the agenda till finished. Later in the meeting Lori Frank explained about 319 regulations and how this project was okayed.

Legge, Anderson & Harstad Complaints – Mike Opat handed out and explained a map & photo of the area that was surveyed. This profile shows no huge rise & doesn't materially affect the water flow. US Fish & Wildlife no more work to be done. It was discussed to share this information with the complainants. Manager Anderson will visit with Brad Bellmore and Brian Krier and go over this information. District tabled till August meeting.

Dolliver Tile Application - Steve Winters addressed the district and gave some background information of area. Mr. Dolliver is willing to help with filling the gully that has washed through and on to Cummings property. Mr. Cummings would like to do this work. Mr. Dolliver came forward with pictures to show managers. The tiling application does not need water district approval as it is under 80 acres, no permit needed unless they add more acreage to tiling project.

Scott Cummings Drainage Complaint Against Allen Dolliver

The Board next considered Scott Cummings' Drainage Complaint against Allen Dolliver. In Mr. Cummings' Drainage Complaint, Mr. Cummings alleges Allen Dolliver constructed illegal drainage in the East Half of Section 15 of Marsh Township. Mr. Dolliver provided a copy of a drainage permit he received in 1984 for purposes of constructing the drainage ditch improvements that are the subject of Mr. Cummings' complaint.

Sean Fredricks indicated that if a landowner has obtained a drainage permit as required under N.D. Cent. Code § 61-32-03, and as long as the landowner has complied with the conditions of the permit, the Board cannot order the drain closed or filled under Section 61-32-07. In this instance, Mr. Dolliver did obtain a permit, and he does not appear to be in violation of any of the conditions of the permit. With that in mind, Sean recommended that the Board dismiss Mr. Cummings' Complaint.

Manager Anderson moved to dismiss Scott Cummings' Drainage Complaint against Allen Dolliver. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

Sean Fredricks will prepare a Notice of Decision and provide the decision to the parties of record.

Matt Gast – All Ready done.

Hobart Lake Update – Mike Opat reported that FEMA approved to move on to Phase 2. Barnes County Commissioners have paper work and will have on their next agenda. Moore Engineering will be working with Sean Fredricks to get Right of Way Documents prepared and contacting of all landowners involved. A Permanent Flow Easement is what the district is working on. When documents are returned contract bidding can be started and maybe construction to get started this fall. Discussion followed. Manager Fehr made a motion for \$3,000 (50%) tillable easement; \$300 flow easement; \$1,500 pipeline easement and \$300 temp (construction) easement. Manager Anderson second. Motion approved with a roll call vote.

Kathryn Dam – Mike Opat told managers that the Cost Share Request has been sent to SWC for their meeting on July 6, 2016. Jerry Hieb will go with Mike to Bismarck for this meeting.

VC Little Dam - Mike Opat handed out a letter from VC Administrator on the City's response to this project. Discussion followed. BCWRD will not be doing anything with VC Little Dam Project at this point of time. BCWRD is concentrating on the Kathryn Dam Project for now.

Ten Mile Lake – Jerry Hieb opened discussion with information from Manager Jorissen. Paul Abrahamson discussed control gate on Ten Mile. Cost Share application for study on Ten Mile Lake Project in also at SWC, for the July 6, meeting. 1431.5 is the present level on Ten Mile. Discussion on tile applications and the voluntary use of gates with future tile projects, put on hold.

Joint Griggs/Barnes WRD - Griggs WRD manager Eric Heyerdahl talked to Toni Ernhart, regulatory person for the Corp of Engineers in Bismarck, and Jennifer Hegland, Deputy State Conservationist for the State of North Dakota, and is the Technical Consultant for compliance with the state, told Eric that the Corp of Engineers has jurisdiction on Silver Creek Drain #1. Discussion followed.

Jerry Hieb reminded all managers of the Upper Sheyenne Meeting in Devils Lake on June 14th.

Arvid Winkler had a question on hear-say rules for meetings. Sean Fredricks informed Mr. Winkler, there are no hear-say rules at water district meetings.

Mike Opat personally invited Managers to the Upper Maple River Dam dedication on June 21, 2016 at 2 pm.

Bills – Discussion of monthly bills to be paid. Manager Anderson made a motion to pay the bills for the month. Manager Olauson second. Motion was approved with a roll call vote.

Meeting adjourned at 12 :15 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda McKenna". The signature is fluid and cursive, with the first name "Linda" written in a larger, more prominent script than the last name "McKenna".

Linda McKenna

Secretary

BC Water Resource District