

Barnes County Water Resource District

PO Box 306

Valley City, ND 58072

701-845-8508

August 12th, 2019

MEETING MINUTES

MEMBERS PRESENT: Chairman Jerry Hieb, Managers – Scott Legge, Bret Fehr, Bruce Anderson, Daniel Buttke, Sean Fredricks (via phone), Commissioners Shawn Olauson & John Froelich

Also Present: See attached List

Chairman Hieb called the meeting to order at 9:00 a.m.

Manager Anderson made the motion to approve all the sets of minutes with the corrections stated. Second by Manager Legge. Motion carried, minutes approved with corrections.

Chairman Hieb explained our engineer is absent today, but Moore Eng. sent a report addressing everything on the agenda and Chairman Hieb will read aloud the report.

OLD BUSINESS

Hobart Lake: Chairman Hieb read the report from Chris Gross...

The Final closeout form has been submitted to DES, they have not reviewed fully as staff have been out of the office on damage visits. Should have a response back by next week. Manager Anderson reported that the water is down about six inches it has been running steady wide open, we have had a lot of water coming in also. He also stated the water quality is still good and it is tested every week. The Dept. of Health wants it shut down at 450 mg/l of sulfate level we are currently at 436 mg/l of sulfate, Peter Wax recommended to keep it open until we hit 450, Manager Anderson stated anytime we get some rain it helps to dilute the run off.

Kathryn Dam: Chairman Hieb read the report from Chris Gross...

The Mussel survey was completed on 7/31/19 there are approximately 17,000+ mussels in the project area, there will likely be a combination of relocation and temporary storage/reintroduction. Moore Eng. is coordinating with Archaeology firm to determine paths for access from the east through historical sites, once complete the legal descriptions will be ready to draft. Upon completion of legal descriptions, landowners requested an on-site meeting to discuss impacts. Todd Tangen requested \$25,000 for easement rights but would be willing to reduce if access for fishing is eliminated. Will discuss payments requested with Wadesons after results from Archeology firm. All permits have been submitted. USACE requires some additional information

and clearance from Dept. of Health and from State Historical Preservation Office. SHPO will likely require some form of mitigation for the impacts to the historical mill race (downstream of the dam). The board had nothing to add.

Griggs-Barnes-Stutsman Joint WRD: Chairman Hieb reported this board is currently going through the Engineer Selection Process and gathering insurance quotes.

10 Mile: Chairman Hieb read the report from Chris Gross...

Conversation had with Jenny Heglund of NRCS to provide line of work of delineated wetland (per desktop analysis). Moore Eng. is to survey to obtain possible drawdown elevation of the lake once desktop analysis is completed.

Manager Anderson then read the email from Paul A....

08/07/2019 from direct observation of the Moore Engineering Elevation Marker was **1434.9msl** and represents **15861.59** acre feet. The new reading represents **4.1 ft. INCREASE** from **11/9/2018 of 1430.8msl**, (5607 acre feet). A change in Acre Feet of **10255** from 5607 at freeze-up on 11/9/2018 or a **183% INCREASE** in acre feet. **10 Mile is nearing twice the size from freeze-up.** The NDSWC Observation Well 142-060-10CCC-2, **7/26/19** is **1436.48**

The water is running east through the culverts just south of the Broten farm site and is getting close to running over the road.

Chairman Hieb explained that the issue is no one will set a level that the water can be drawn down to, and there is a lot of water in that area. Manager Anderson stated when he was in the area the roads are extremely soft with most blocked off and water in inundating everything, farmers cannot get to their fields. There was discussion on what the past level was at, it was mentioned that was a historical all-time high level of the lake it didn't make sense. Commissioner Froelich asked if the board could ask the SWC if we can lower it four feet from the stated high level instead of waiting for a new elevation? Chairman Hieb and the board was under the understanding that NRCS must set the elevation. Manager Fehr stated this must be re-visited there is a disaster happening there right now. Manager Anderson will get in touch with Jennifer Heglund NRCS to see if she can expedite this, even if it is a temporary relief. He stated when he was in the area that everything from Hwy #9 back to 10 Mile was all blocked up (what was originally cleaned out last time), it was stated that the landowners received notices to put the blocks back in or be fined program payments. There is no water running to the south, it is all forcing and trying to go north. There was discussion on the current state of the township roads and what it will be like going through freeze-up with this much water, then next spring will be disastrous. Discussion was held on which is the most efficient way to have the water run? Through discussion it was decided that the water wants to run naturally to the south, there would be more control if it was moved to the north. If the water flows south it goes to the river, if it goes north it will run through Silver Creek at some point. Manager Fehr made the motion to have Moore Eng. do an analysis/survey on 10 Mile to expedite getting the water down. Seconded by Manager Legge. Upon roll call vote, the motion carried unanimously.

Manager Legge explained that we are in an emergency situation here, can we get an emergency permit to get the water going south for some relief. He pointed out that if we cut through wetlands once the water is drained off those wetlands must be restored. Kurt T. (USFWS) reported that he

has provided maps for what he has in easements with that area, he will work with us he doesn't want flooded roads or farmsteads either. If we go the emergency permit route Kurt can issue a temporary permit like last time. Mr. Fredricks agreed that NRCS is going to be the major and biggest issue, but it looks like we are in good shape as far as water quality goes for now. And reminded everyone that if the SWC were to issue an emergency permit that doesn't mean we have the blessing of NRCS, so keep that in mind.

Manager Fehr made the motion to have Moore Eng. apply for the emergency permit for 10 Mile. Second by Manager Anderson. Upon roll call vote, the motion carried unanimously. Manager Legge reminded the attendees that the landowners to the south will need to sign 1026's.

VC Little Dam: Nothing new to report from last meeting

BC Dams - WRD owns: Chairman Hieb turned discussion over to Mr. Fredricks. He explained that he has sent a draft of our agreement trying to convey ownership of the dams to the underlying landowners to absolve the WRD from liability to the Attorney General's Office. He stated they are looking into it, trying to figure out how the WRD came to own some of these dams. Chairman Hieb stated on record that he would like the VC Little Dam to be treated the same as these dams.

Eckelson Lake: Manager Legge reported that the water is running as efficiently as it can right now.

Sanborn Lake: Chairman Hieb read the report from Chris Gross...

The survey was completed on 8/6/19. Water quality testing came back, and results show that the project can operate at this time. Moving forward, the Dept. of Health would like to see the project operate per current requirements on the Sheyenne River of 450 mg/l of sulfate (same as Hobart Lake requirements). However, they will be open to discussion if there is still excess water once that water quality limit is reached on the Sheyenne River. Chairman Hieb explained the emergency permit has been issued and there was a landowner meeting, the drain has not been opened yet. He then asked the board their thoughts on if they should wait for all the landowners to sign easements before opening the drain? Mr. Fredricks expressed that the water must get moving and that the emergency permit does not require the board to have all the easements in place. He feels the board should operate the drain and, in the meantime, try to acquire the ROW then try to proceed with the long-term permit. Chairman Hieb then asked the boards thoughts on widening the crossing that was put in during the last time this was drained at the permission of the landowners? He stated that on the Offner/Jorissen section the water goes through the middle of crop fields and it can't be easy brining equipment through that crossing nowadays. Walt Jorissen was present, he had no objections to this and thought it was a good idea then requested it to be widened twice as wide as what it is currently. Mr. Fredricks reminded the board that the emergency permit states we must return everything back to pre-permit state, but if we obtain the long-term permit this should be alright. Manager Legge made the motion to widen the crossing on the Offner/Jorissen section up to a 60ft top width. Second by Manager Fehr. Upon roll call vote, the motion carried unanimously. There was discussion on how far to open the drain. Manager Legge made the motion to open the Sanborn Drain 1/3 of the turns open from full so that will give a 1/4 of volume out. Second by Manager Fehr. Upon roll call vote, the motion carried unanimously. Mr. Fredricks is going to email BNSF that the drain will be opened today.

Thordenskjold Drain-repairs: Chairman Hieb read the report from Chris Gross... It stated nothing to report from Moore. Manager Anderson pointed out in the last months meeting minutes that Moore Eng. was going to come back with an updated cost to replace the two remaining crossings and new culverts.

Erosion along 21S: Chairman Hieb read the report from Chris Gross... Cost estimates are being provided to the Barnes County Highway Dept. The board had nothing to add.

Ditch Cleaning Agreement - A. Dolliver: Chairman Hieb reported that he has talked to Mr. Dolliver and that the agreement has not been signed, the board can not act on anything unless there is a signed complaint or unless there is a permit application. It was stated the work has been completed.

NEW BUSINESS

Barry Borg – Hobart Lake: Mr. Borg stated that the culvert by the stop sign on old #10, on the township road is plugged it has been plugged for about seven years. He stated when or if Hobart Lake goes down the water east of the township road has no where to go, he has talked with Kerry Johnson about this and he wants to wait until the water goes down farther. He said if the water does go down the water on the east side will still be there, the water is currently now running over the township road. He asked the WRD to put some pressure on the Highway Dept. to get this replaced, it is in the Barnes County ROW he is requesting the culvert to be replaced soon. Manager Anderson expressed that this cannot be done until the water goes down. Mr. Borg would like to start using the township road again, Manager Anderson explained the liability if the road were to be opened, he then stated the road closed signs are there for a reason. Mr. Borg expressed concerns about the erosion on old #10 due to the cattails being sprayed by the weed board with roundup. After discussion it was decided that the WRD has no jurisdiction on either of these issues.

Ed Thom was present and asked how it was going with the RR with his water issue. Manager Anderson relayed that Mr. Opat had stated that it didn't sound like the RR was going to come take a look at this and that is unfortunate. Mr. Thom is very concerned and wants to put a pipe under the tracks. Chairman Hieb reminded the board of the frontage road on the south side of the tracks and the discussion at past meetings of equalization of the water. Manager Anderson will talk to Rick St. Germaine about this issue, Mr. Thom stated that he is willing to pay for this if he had to.

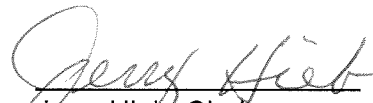
Engineer Report: Nothing to new to report.

Legal Report: Nothing for legal report.

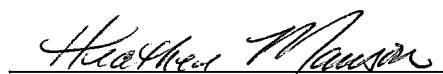
Bills: Manager Fehr made the motion to pay bills as presented. Seconded by Manager Buttke. Upon roll call vote, the motion carried unanimously.

There being no further business to discuss, the meeting was adjourned at 10:38 a.m.

APPROVE:


Jerry Hieb, Chairman

ATTEST:


Heather Manson
Secretary-Treasurer

Barnes County Water Resource District
PO Box 306
Valley City, ND 58072

August 12th, 2019
Special Meeting Attendance

PLEASE SIGN IN BELOW

Wayne W Becker

De Wayne Didier

John Froelich

Ed Thom

Ann Marie Thom

Eri Beater

Shawn Olause

David Winkler

KURT TOMPKINS