

Barnes County Water Resource District

Po Box 306

Valley City, ND 58072

701-845-8508

June 8, 2020

MEETING MINUTES

MEMBERS PRESENT: (via phone) Chairman Jerry Hieb, Managers – Bruce Anderson, Bret Fehr, Daniel Buttke, Scott Legge, Chris Gross - Moore Eng., Sean Fredricks – Ohnstad Twichell, Commissioner Shawn Olauson

Also Present: See attached list

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

Manager Fehr made the motion to approve the May 11, 2020 minutes. Seconded by Manager Legge. Motion carried; minutes approved as printed. Manager Legge made the motion to approve the May 13th & May 27th, 2020 Emergency Drain Hearing minutes for the Smith's. Seconded by Manager Fehr. Motion carried; minutes approved as printed.

Chairman Hieb then turned the meeting over to Kelsey Huber (SWC) for the Emergency Drain Hearing for the application submitted by Dustin Didier. Ms. Huber read the opening statement then went through the standard questions, the applicant Mr. Didier responded to each question. After discussion Manager Legge made the motion to give the state a formal recommendation to move forward with the permit. Seconded by Manager Anderson. Upon roll call vote, the motion carried unanimously. Next Ms. Huber read the closing statement. A full digital transcript for the hearing is available at the SWC office.

OLD BUSINESS

Hobart Lake: Manager Anderson reported the lake has gone down a couple inches, the pipe is running full, barely keeping up is all it is doing. He mentioned that the repairs to Josh Johnson's stock dam are complete. There is a complaint turned in by Keith Colville, Industrial Builders drove across a few feet of his property without notifying him, he claims that there is some damage on his property. Moore Eng. did a site visit, when conditions allow Industrial Builders will come back to level off the rut that was made.

Kathryn Dam: Mr. Gross reported the COE is in the process of finalizing the memorandum of agreement, we are likely going to have to install a new water rights sign. We hope within the next couple of weeks we will start to get final permit approvals from the COE and that should finalize the Sovereign Lands piece from the SWC. We are moving forward and are looking to have those permits in hand by the July meeting.

10 Mile Lake: Mr. Gross reported that the preliminary engineering is ongoing. Work is being done to finalize a survey request to survey a few alignment alternatives, water elevations the lake is seeing now with adjacent wetlands, then proceed into the preliminary design phase to see which is the best route to go to present to the board/petitioners. Paul Abrahamson mentioned that the SWC came out and installed the real-time surface water monitoring gages. He expressed that Eric Broten and Dale Jorissen deserve special commendation for their leadership, several neighbors attended initial planning meetings and helped with the effort which was very much appreciated. Many signed their petition and bond document of support and contributed money for the preliminary design drain project. The WRD has reported receiving landowner bond money and signed petitions from landowners within the watershed. Manager Anderson read the report stating the latest elevation for 10 Mile Lake is 1435.34 ft msl. After discussion, the board thanked Mr. Abrahamson for all his efforts with this throughout the years as well.

Griggs-Barnes-Stutsman Joint WRD Report: Chairman Hieb and Manager Fehr reported that there has been bond money raised by landowners, the project is in the development stage and moving forward.

VC Little Dam: Chairman Hieb reported this is still pending with the city. Mr. Gross suggested having a meeting with Mayor Carlsrud, Chairman Hieb agreed they will work out a time that is best for all three to meet.

Eckelson Lake: Manager Legge reported that water is down about two inches and still flowing out naturally, it is coming along. Mr. Gross reported that the generic release forms submitted have been forwarded to NRCS, they are in the process of providing information on all the certified and non-certified wetlands in those areas.

Sanborn Lake: Manager Anderson discussed Scott Cummings recommendation of putting in a Texas crossing on the Offner/Jorissen property. Mr. Gross suggested that a field site visit by all parties involved be done to come up with the best option. After discussion Manager Legge made the motion to authorize Moore Eng. to work with the contractor and Brian Strom (trustee) to determine the best option, and to authorize the contractor to spend up to a maximum of \$20,000. Seconded by Manager Anderson. Upon roll call vote, the motion carried unanimously. The drain is currently closed, the water is down below the 1427 level. A draft O&M was emailed to the board for review, if they have any concerns/comments they can get in touch with Mr. Gross.

Clausen Springs Dam: Mr. Gross reported that the dam repairs have been completed, he will be doing a final inspection in the next week or so. There are a couple more EAP concurrence signatures needed, once they come in hard copies will be mailed out to all entities.

Thordenskjold Drain: There was more discussion on the wing wall repairs that were tabled, quotes were very high and splitting the repairs over two years was discussed. The cheapest

past quotes for the crossings on 49th St and 50th St are around \$140,00 per crossing. The board agreed to keep this tabled.

Smith – Drainage Complaint: Connie Smith relayed to the board that she should be hearing back from the SWC today regarding the approval of her Emergency Drain Permit Application. There was discussion on the Emergency Drainage Application and the Complaint filed, Bruce and Connie Smith verbally requested that the board hold the complaint in abeyance until further notice.

New Business

Triebold – Surface Drain Permit Appl. No. 4942:

APPLICATION FOR SURFACE DRAIN NO. 4942 for John, Alan, and Roger Triebold in Section 20 and the Southwest Quarter of Section 21 in Oriska Township

The Board reviewed information from the State Engineer regarding APPLICATION FOR SURFACE DRAIN No. 4942 for Applicants John, Alan, and Roger Triebold. Under the application, Applicants seek to re-route an existing drain in the southwest corner of the Northwest Quarter of Section 20 in Oriska Township. The re-routed drain will be approximately 500 feet in length, with a maximum cut of 4 feet, bottom width of 6 feet, and 4:1 side slopes. In addition, Applicants seek to permit several existing field drains throughout Section 20, as well as a small segment of a field drain along the south boundary of the Southwest Quarter of Section 21 in Oriska Township. The map prepared by the State Engineer's Office and forwarded to the Board with the application depicts all of the existing drains. According to the State Engineer's Office, these field drains "have varying maximum cuts, bottom widths, and side slopes, and have an approximate cumulative length of 51,300 feet." The State also indicated the project will ultimately outlet at multiple locations along the south and east boundaries of Section 20 and the south border of the Southwest Quarter of Section 21. Drainage from the segment in the Southwest Quarter of Section 21 will discharge into Interstate-29 right of way, along the south boundary of Section 21; portions of that drainage flow to the south through existing culverts under I-29, and other portions flow to the east, discharge into an existing surface drain, and ultimately discharge into a tributary of the Maple River approximately 1.4 miles from the outlet in the Southwest Quarter of Section 21.

According to records on file with the Barnes County Recorder's office, John Triebold owns the Northwest Quarter of Section 20; John, Alan, and Roger Triebold own the South Half of Section 20; and Raymond Trautmann owns the Northeast Quarter of Section 20 and the Southwest Quarter of Section 21.

Moore Engineering prepared responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code, and the Board approved them. The Board further determined no hearing was necessary under Section 89-02-01-09.1(2) of the North Dakota Administrative Code because the re-route is minor and will not have impacts on downstream parties; the field

drains are existing drains; and the Board will require Applicant to obtain permission from the North Dakota Department of Transportation to discharge into NDDOT right of way. The Board concluded that, in light of these measures, there will be no further adverse impacts.

Manager Fehr moved, and Manager Buttke seconded the motion, to approve APPLICATION FOR SURFACE DRAIN No. 4942 for John, Alan, and Roger Triebold, subject to the conditions attached by the State Engineer, and subject to the following conditions:

- 1) That Applicants will not construct or improve the re-routed drain in the southwest corner of the Northwest Quarter of Section 20 in any manner that exceeds the dimensions indicated in the application, including a drain length of 500 feet; a 6-foot bottom width; 4:1 side slopes; and a maximum cut of 4 feet;
- 2) That Applicants will not improve the existing field drains in any manner that exceeds their current dimensions;
- 3) That Applicants obtain written permission from the North Dakota Department of Transportation to discharge into or to otherwise utilize its I-29 road ditch;
- 4) That Applicants notify the Barnes County Water Resource District in advance of any proposed improvements to any of the drains, including any increase in the capacity or drainage area affected, and, if necessary, submit an additional permit application; and
- 5) That Applicants obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously. The Board directed Sean Fredricks to prepare the requisite NOTICE OF DECISION and to provide the NOTICE to all parties of record.

Drain Tile Application – John Triebold:

Application to Install a Subsurface Water Management System No. 2020-01 for John Triebold, in the Southeast Quarter of Section 4 and the Northeast Quarter of Section 9 in Hobart Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-01*, dated February 19, 2020, and filed May 20, 2020, for John Triebold. Under the application, Applicant seeks to install a 235-acre drain tile system in the Southeast Quarter of Section 4 and the Northeast Quarter of Section 9 in Hobart Township, Barnes County, North Dakota. The portion of the project in the Northeast Quarter of Section 9 will connect to the portion in the Southeast Quarter of Section 4 via a pipeline that will run under or through 31st Street SE. The project will include a gravity outlet that will discharge via an underground pipeline commencing on the east boundary of the Southeast Quarter of Section 4; the pipeline will run to the east, under or through 111th Avenue SE; the pipeline will then run north through the West Half of Section 3 until daylighting and discharging into a natural watercourse in the Northwest Quarter of Section 3.

Because the project will discharge directly into a natural watercourse, no THIRTY-DAY NOTICE was necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1. Because the project will discharge directly into a natural watercourse, under the tile law passed during the 2017 Legislative session, the Board cannot require Applicant to obtain any consent from downstream landowners as a condition to the permit. Further, the Board cannot require Applicant to install and maintain erosion protection at the outlet into the natural watercourse in the Northwest Quarter of Section 3, nor can the Board require Applicant to obtain Hobart Township permission to locate any pipeline in any of its township road right of way. Barnes County and Hobart Township previously enacted ordinances regarding work within road right of way; Sean Fredricks will include the County's permit form with Mr. Triebold's permit materials, and all future tile permit materials.

According to records supplied by Applicant, John Triebold owns the Southeast Quarter of Section 4, and John and Susan Triebold own the Northeast Quarter of Section 9 of Hobart Township. Roxann Myhra owns the West Half of Section 3; Applicant previously obtained written consent from Ms. Myhra regarding installation of Applicant's pipeline across the West Half of Section 3.

Manager Legge moved, and Manager Anderson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-01*, dated February 19, 2020, and filed May 20, 2020, for John Triebold, regarding a proposed tile system in the Southeast Quarter of Section 4 and the Northeast Quarter of Section 9 in Hobart Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-01, subject to the following condition:

That Applicant notify the Barnes County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets.

Upon roll call vote, the motion carried unanimously. The Board cannot enforce any ordinances enacted by Barnes County or Hobart Township, but the Board will notify both of Mr. Triebold's permit.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant consider complying with the following:

- 1) That Applicant notify the Barnes County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;

- 2) That Applicant obtain written permission from the Hobart Township Board of Township Supervisors to install, operate, and maintain buried pipe in any of its township road ditches, to bore through any of its township roads, or to otherwise utilize any of its road right of way; and

- 3) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

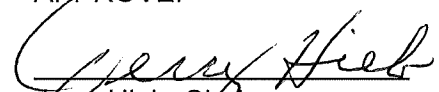
Engineer Report: Mr. Gross reported that Meadow Lake and Eckelson Lake are being worked on together at NRCS, information will be gathered to see what potential draw down elevation will be for each.

Legal Report: Mr. Fredricks reported the RRJWRD meets to discuss the economic analysis process and cost share requirements. He also mentioned the different WRD board member trainings that will be held this summer, the board is interested in the one being done on Aug. 7th, 2020 by Mr. Fredricks.

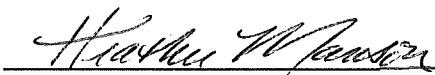
Bills: Manager Fehr made the motion to pay bills. Seconded by Manager Legge. Upon roll call vote, the motion carried unanimously.

With nothing further to discuss the meeting was adjourned at 11:03 a.m.

APPROVE:


Jerry Hieb, Chairman

ATTEST:


Heather Manson, Secretary - Treasurer

June 9th, 2020 meeting

Present: via phone

Jenny Hieb
Bruce Anderson
Bret Fehr
Scott Legge
Dan Brothke
Paul Abrahamson
Susan Adick
Mark Formo
Susan Marshall
Bruce + Connie Smith
Eric Dieter
Shawn Olausen
John Triebold
Bob Koepplin

Joan Fredicks, Mustard Twichell
Kurt Tomptaris, USFWS
Chris Gross, Moncton
Kelsey Huber, SW
Mike Grot, Houston Eng.