

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

**Meeting Minutes**

April 11, 2022 - 9:00 a.m.

MEMBERS PRESENT: Chairman Jerry Hieb, Managers Bruce Anderson, Dan Buttke, Scott Legge, and Bret Fehr; Sean Fredricks, Ohnstad Twichell (via WebEx); Mike Opat, Houston Engineering; and Barnes County Commissioner Shawn Olauson.

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

Manager Anderson moved to approve the minutes from the Board's meeting on March 14, 2022, as presented. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

**OLD BUSINESS**

**VC Little Dam**

Mike reported that after last meeting Sean revised the JPA per direction from the Board and sent the revised agreement to the County and to the City; neither Sean nor Mike has heard back from the County or the City. Sean will follow up and report at the May meeting. Mike mentioned with the current weather conditions they are unable to start surveying. Mike discussed the potential funding partners and stated there is positive feedback. He mentioned that Bob Koeplin (BC Parks) has no money for the project, but has requested signage and a bike rack to be installed. Mike sent the Board Task Order 2 for the Board's consideration, which includes a standard scope of work for design along with an updated cost estimate. The Board will consider the Task Order and the Joint Powers Agreement at the May meeting. No action was taken by the Board today.

**Snagging and Clearing**

Mike reported IBI wrapped up work on March 15<sup>th</sup>, and noted snagging and clearing went well with the given conditions out there. Chairman Hieb mentioned that he has gotten a lot of positive feedback from landowners. Mike stated that IBI finished in sect 34 Nelson and sect 2 Oak Hill. The total cost from IBI came in at around \$93,000 which is under budget. After today's meeting Heather will work on the cost share reimbursement request to the SWC and County.

**2023-2025 Water Development Plan**

The Board agreed to include Meadow Lake, Eckelson Lake, Sheyenne River snagging/clearing, Brown Dam, Ten Mile Lake, and Sheyenne River bank stabilization in the project list for the 2023-2025 Water Development Plan. The Board authorized Mike to submit the Board's list to the State.

**NRCS-RCPP Program**

Mike recapped discussion held during the March meeting with Mary P. and Rita S. (NRCS) and reiterated NRCS was confident that the PL566 program was the best fit for the potential projects discussed. The

Board agreed with bundling Eckelson Lake & Ten Mile Lake in the Sheyenne River watershed planning packet, and Meadow Lake & Island Lake in the James River watershed planning packet. Mike is working with Christi Fischer (NRCS), and Christi has concerns that NRCS will be unable to start working on this until next fall. There is no need for the formal request letters at this time, Mike is providing information to NRCS in response to NRCS' requests to keep things moving forward. No action is needed by the Board at this time.

#### **Lower Sheyenne Joint Board**

Manager Anderson reported unfortunately there was no quorum for an official meeting. The managers that did participate discussed scenarios for seeking funding for a bank stabilization project, including the idea that the Barnes County Water Resource District could request funds individually. The Joint Board will attempt another meeting on April 27.

#### **Highway #9 culvert**

Mike and Heather sent a response to NDDOT in response to Jay Praska's email regarding this culvert, to explain the recurring issues with Ten Mile Lake and the pending surface drainage application. Jay Praska stated NDDOT is internally discussing options and will let the WRD know how they are going to proceed.

#### **Kathryn Dam - MOA Amendment**

Chairman Hieb reported that the interpretive panels are in production with the modified language, and an amendment is needed to the MOU with the Corps and SHPO to include discussion regarding the Civilian Conservation Corps. After discussion Manager Fehr motioned to approve and authorize Chairman Hieb to sign the updated amended MOA. Seconded by Manager Buttke. Upon roll call vote, the motion carried unanimously.

Manager Anderson reported that the water quality tests for Hobart Lake came back and indicated opening the Hobart project was permissible. Manager Anderson opened the drain all the way on 4-7-2022.

### **NEW BUSINESS**

#### **Sanborn Lake**

Kurt Tompkins (USFWS) was in attendance to discuss the FWS wetland easement a few miles downstream of the outlet on Connie Offner's property. He explained that the earthen plug has washed out and needs repair. The Board discussed when the drain was constructed in 2011, FWS issued a permit allowing a temporary ditch through the wetland and, in accordance with the conditions of the permit, the WRD funded the plugging of the ditch in 2013. Discussion was held on the operation period of the last Emergency Drain Permit, along with the Operation Plan of the permanent permit. The parties discussed operation and all agreed this was actually a natural washout. With that in mind, the Board had no obligation to restore the plug; rather, the FWS will restore the plug with work expecting to begin in the fall. The Board agreed to have Manager Anderson coordinate with Kurt to ensure the project is not open when FWS is completing the work.

#### **35<sup>th</sup> St SE water blockage – Walt Schroeder**

Mr. Schroeder (Valley Twp. Officer) along with Clay Adams and Josh Schroeder (FEI, Inc.) attended to discuss a water issue in Valley Twp. on 35<sup>th</sup> St SE. They explained with the amount of water coming off the NDDOT lot, along with the new Love's Station and runoff coming from HFI, the edge of the road has been washing out. At the end of the township road, there is a private road that has been raised/widened

which has covered existing culverts and is now holding water back onto FEI property. The Board reviewed the submitted maps and photos. The parties agreed this was more of a township issue. No action was taken by the board.

**Application to Install a Subsurface Water Management System No. 2022-01 for Shawn Anderson and Scott Anderson in the West Half of Section 8 and the Northeast Quarter of Section 8 in Stewart Township**

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2022-01*, filed by Applicants Shawn Anderson and Scott Anderson on March 23, 2022. Under the Application, Applicants seek to install a 106-acre drain tile system in the West Half of Section 8 and the Northeast Quarter of Section 8 in Stewart Township, Barnes County, North Dakota. The project will include three gravity outlets that will all discharge into a tributary of the Sheyenne River in the Southwest Quarter of Section 8.

According to the County tax roll information supplied by Applicants, Shawn and Linda Anderson own the Northeast Quarter of Section 8, and Scott and Kimberly Anderson own the West Half of Section 8 where Applicants intend to install the tile system.

Manager Fehr moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2022-01*, filed March 23, 2022, for Shawn Anderson and Scott Anderson in the West Half of Section 8 and the Northeast Quarter of Section 8 in Stewart Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-01, subject to the following conditions:

1. Applicants will install and maintain erosion protection at any and all outlets into the natural watercourse in the Southwest Quarter of Section 8 of Stewart Township.
2. Applicants will re-establish any areas disturbed installing or maintaining Applicants' tile system.
3. Applicants will not install Applicants' tile system within 20 feet, on either side, of any rural water lines Barnes Rural Water District has in the West Half of Section 8 and the Northeast Quarter of Section 8 in Stewart Township under any blanket easements, or otherwise beyond Barnes Rural Water District's existing easement.
4. Applicants must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-01 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

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

1. The Board recommends that Applicants obtain written consent from the Barnes County Highway Department if any of the project components will be within any of the County's right of way.
2. The Board recommends 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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT No. 2022-01, Applicants' downstream flow map, and the Barnes County Permit Form to the Department of Water Resources, Barnes Rural Water District, and Jessica Jenrich. Under the new tile law, Applicants' detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

**Application to Install a Subsurface Water Management System No. 2022-02 for Larry Pederson, Monte Peterson, and Hershey Family Limited Partnership in the Southeast Quarter of Section 7 and in Section 18 in Nelson Township**

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2022-02*, filed by Applicants Larry Pederson, Monte Peterson, and Hershey Family Limited Partnership on April 1, 2022. Under the Application, Applicants seek to install a 621-acre drain tile system in the Southeast Quarter of Section 7 and in Section 18 in Nelson Township, Barnes County, North Dakota. The project in the Southeast Quarter of Section 7 will connect to the project in Section 18 via a pipeline under 44th Street SE; the project will include a single gravity outlet near the southeast corner of Section 18 that will discharge via a pipeline that will run across a small segment of the southwest corner of the Southwest Quarter of Section 17, then a portion of the Northwest Quarter of Section 20 before daylighting and discharging into a natural drain or watercourse that flows to the southeast.

According to County tax roll information supplied by Applicants, with regard to the property Applicants intend to tile, the Monte A. Peterson Revocable Living Trust and the Penny M. Peterson Revocable Living Trust own the Southeast Quarter of Section 7 and the South Half of Section 18 of Nelson Township; Larry and Patricia Pederson own the Northeast Quarter of Section 18; and Hershey Family Limited Partnership owns the Northwest Quarter of Section 18. With regard to downstream properties where Applicants intend to install the pipeline outlet, Carol Olson owns the Southwest Quarter of Section 17 and the Monte A. Peterson Revocable Living Trust and the Penny M. Peterson Revocable Living Trust own the Northwest Quarter of Section 20.

Manager Fehr moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2022-02*, filed April 1, 2022, for Larry Pederson, Monte Peterson, and Hershey Family Limited Partnership in the Southeast Quarter of Section 7 and in Section 18 in Nelson Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT No. 2022-02, subject to the following conditions:

1. Applicants will install and maintain erosion protection at any and all outlets into the natural watercourse in the Northwest Quarter of Section 20 of Nelson Township.
2. Applicants will re-establish any areas disturbed installing or maintaining Applicants' tile system.

3. Applicants will not install Applicants' tile system within 20 feet, on either side, of any rural water lines Barnes Rural Water District has in the Southeast Quarter of Section 7 and in Section 18 in Nelson Township under any blanket easements, or otherwise beyond Barnes Rural Water District's existing easement.
4. Applicants must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-02 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

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

1. The Board recommends that Applicants obtain written consent from Nelson Township to install and maintain any pipelines through the Township's right of way.
2. The Board recommends that Applicants obtain pipeline easements from the owners of the Southwest Quarter of Section 17 and the Northwest Quarter of Section 20 to install and maintain any pipeline across and through their property.
3. The Board recommends 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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT No. 2022-02, Applicants' downstream flow map, and the Barnes County Permit Form to the Department of Water Resources, Barnes Rural Water District, and Jessica Jenrich. Under the new tile law, Applicants' detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

#### **Thordenskjold Drain – structure repairs**

Chairman Hieb discussed a call regarding a beaver dam within the Thordenskjold Drain in sect 14 of Thordenskjold Twp. After discussion, the Board agreed to have Manager Anderson contact Joel Lyons to get the process of eradicating the beavers started, once the beavers are gone then the dam can be removed. Manager Buttke will do a site visit.

Mike explained that other Boards do drain inspections every other year this could be something for the Board to consider. He mentioned that structure repairs on 49<sup>th</sup> St SE & 50<sup>th</sup> St SE have been on the radar for a while, we have bid sheets from 2019 with cost effective alternatives, with no action taken yet. After discussion, the Board agreed when it dries up more to have Mike and Manager Buttke do a drain inspection and look at all the structures within the legal drain.

Manager Buttke mentioned another area of concern in the middle of sect 2 in Thordenskjold Twp. by Dean Carpenter's property. The Board agreed with Sean Fredricks' suggestion to review the original plans or state permit to make sure this area is listed within the permit before any work takes place.

**Engineer Report**

Mike had nothing else to report.

**Legal Report**

Sean had nothing else to report.

**Bills**

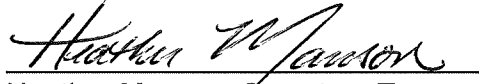
Manager Legge moved to approve the bills as presented. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

With nothing further to discuss, the meeting was adjourned at 10:29 a.m.

APPROVED:

  
Jerry Hieb, Chairman

ATTEST:

  
Heather Manson, Secretary-Treasurer

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

April 11<sup>th</sup>, 2022

PLEASE SIGN IN BELOW

---

*Arvan Olson*

*BC C*

*Josh Schroeder*

*Clay Adams*

*Walt [unclear]*

*Monte Peterson*

*David Winkler*

*KURT TOMPKINS*