

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

Meeting Minutes

June 13, 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 May 9, 2022, as printed. Manager Buttke seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Legge moved to approve the minutes from the Board's special meeting on May 16, 2022, with correction stated. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously.

OLD BUSINESS

VC Little Dam

Mike reported that we are still waiting on the City and County to approve the revised JPA agreement. Sean mentioned that he's been addressing questions from the City regarding the agreement, the City will have this on their agenda for approval at the 6/22 meeting, the last we heard it was in the State's Attorney's hands with the County. Mike explained that time is getting tight if the parties want to be in a position to construct this project over the winter; with the state's new cost share policy we must get the design done and must apply for permits, and we can then submit a cost-share request to the SWC to request construction funding. Mike discussed timelines with a potential fall/winter bid with a possible longer window for the contractor. He expressed some concern with how long the state will take to approve the permit. After discussion Manager Legge moved to authorize Houston Eng. to proceed with final design, once the City and County approve and sign the JPA. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously. Mike gave an update that the Game & Fish will contribute \$50,000 to the project, they will use the Upper Sheyenne Board as a pass through.

NRCS-RCPP Program

Mike reported that NRCS is continuing work with their National Office figuring out details on how to address contracting and funding. Mary P. has not submitted paperwork yet, they have other similar requests in and are hoping to have answers on these within the next week or two, then follow up with another request. In the meantime, Mike will be meeting with NRCS staff to start scoping out the effort and getting a plan together, so things are ready to go once there is a decision from the National Office. This is still in the works, NRCS continues to be very interested, and continues to look favorable.

Thordenskjold Drain – structure repairs

Mike reported that they have flown the drain with the drone, he will try to get out to inspect the structures later this month. Mike will have an update on condition of the structures and an estimated cost repair for the July meeting. Manager Buttke reported that the water is down but there is still a fair amount going through. He also mentioned that with this high-water Mike Storhoff has an issue with his culverts in his driveway, that falls within the drain.

Complaint: Rodney Rood – Robert Larson

Rodney Rood COMPLAINT FOR WATER-RELATED ISSUES Against Robert Larson

The Board next considered Rodney Rood’s Complaint against Robert Larson. Mr. Rood filed a COMPLAINT FOR WATER-RELATED ISSUES dated May 2, 2022. In the Complaint, Mr. Rood alleges Mr. Larson inserted fill into a watercourse or drain that obstructs flow, near the boundary between the Southwest Quarter of Section 13 and the Southeast Quarter of Section 14 of Oak Hill Township. Mr. Rood originally filed the Complaint as a drainage complaint under N.D. Cent. Code § 61-32-07, but later modified the Complaint and converted the matter to an obstruction complaint under N.D. Cent. Code § 61-16.1-51.

Mr. Fredricks advised that, under Section 61-16.1-51, the standard for the Board’s consideration is whether or not Mr. Larson has intentionally or negligently obstructed a “watercourse” or an artificial drain “which materially affects the free flow of waters in the watercourse or drain.” Under North Dakota law, specifically N.D. Cent. Code § 61-01-06, “Watercourse” is defined as follows:

“A watercourse entitled to the protection of the law is constituted if there is a sufficient natural and accustomed flow of water to form and maintain a distinct and a defined channel. The supply of water is not required to be continuous or from a perennial living source. The criteria for constituting a watercourse are satisfied if the flow arises periodically from natural causes and reaches a plainly defined channel of a permanent character....”

The Board previously directed Mike Opat to investigate the matter. Mr. Opat conducted a site visit and met with Mr. Rood and found that the alleged obstruction does not obstruct a “watercourse” or artificial drain. Rather, Mr. Opat indicated the alleged obstruction is in more of a draw than a watercourse or drain; there is not “a distinct and a defined channel” that would qualify this draw as a watercourse under Section 61-01-06, and there is no evidence of an existing artificial drain.

Further, Mr. Opat noted there is water flowing through the road and across Mr. Larson’s property; with that in mind, Mr. Opat noted any fill allegedly installed by Mr. Larson does not “materially affect the free flow of waters” in this particular draw.

The Board agreed with Mr. Opat’s findings that the fill allegedly installed by Mr. Larson does not obstruct a watercourse or artificial drain, and agreed that, even if the fill was within a watercourse or drain, the fill does not “materially affect the free flow of waters.” With that in mind, Mr. Fredricks indicated the fill allegedly installed by Mr. Larson does not qualify as an illegal obstruction under Section 61-16.1-51 and, therefore, the Board has no choice but to dismiss Mr. Rood’s complaint.

Manager Legge moved to dismiss Mr. Rood’s COMPLAINT FOR WATER-RELATED ISSUES. Manager Anderson seconded the motion. 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 the parties of record.

RRJWRD – Basinwide Plan Development

Mike reported the project requests were submitted, the RRJWRD is working on compiling all that information. There is nothing for the Board to do at this point, there will be more information coming up.

Legal Drain 2 – cleanout & culvert install

Manager Legge talked with Stewart Twp. officers and explained to them the culverts at issue in this situation are east of the Drain #2 drop structures and were not included in the Board's contract with Klubben, and that this is a Township project. Manager Legge indicated those culverts have not been installed yet. In addition to that culvert issue, there has been some damage where water comes off the drop structures, at some point we need to take care of the erosion, the Board agreed to have Mike do a site visit and report back.

Sanborn Lake

Manager Anderson opened the drain sixty turns on May 23rd. The downstream culverts are handling the water, if things continue to look good, he plans on opening the gate a few more turns later today. Mike reported that they have flown the waterway with the drone. Mike and Sean mentioned that there is usually conflict with the agreement with the Railroad, and now the Board has a permit with an operating plan and conditions, they suggested updating/modifying the agreement with the Railroad. They discussed incorporating the Game & Fish stipulation, along with the conditions stated within the operating plan, so there can be more of an understanding between the WRD and the Railroad. Mike has provided some information to his contacts; they will get a feel if the Railroad considers an updated agreement. Mike will keep the Board posted on this.

Lower Sheyenne River – bank stabilization

Mike reported that discussions have shifted from the Lower Sheyenne Board to the Red River Joint WRD, the direction from them is to keep moving forward and to submit a scope of work and budget. Mike has been working with Randy Gjestvang on this. The first step being to try to inventory how extensive some issues are, share that information, then let other counties decide if they want to be involved or not. A formal request for funding can be submitted at the RRJWRD Executive Committee Meeting in July for consideration, then work on cost share through the SWC for the other 50%. Plus, if possible, try to get it through Devils Lake Mitigation to see what comes. This continues to move forward; it will take time to get through the funding steps and requests.

Clausen Springs Dam:

Mike explained the reasoning for the state's inspection rating, back in the feasibility reporting that was done in 2010 when the spillway issue was fixed, when there was drilling and testing done they identified some slope stability and seepage issues. Per the Board's request Mike has lined up a Geo Tech consultant, Karen Geoff Dam Safety Engineer for the State mentioned continued vegetation issues that need to be dealt with and pointed out that the State has been unable to inspect the main pipe due to water. Mike suggested putting together a scope that would identify issues and what it takes to further investigate and rectify those issues. Mike stated that we need to make sure this facility stays in operation and is safe as can be, the Board agreed. More information on this will be coming in the next couple months.

Discussion was held on the emergency situation this spring, this brought to light that there is not a good understanding of the Emergency Action Plan, and what to do during an emergency situation. Mike explained some updates need to be done. Another issue is that Dispatch did not have a copy of the EAP, they took the initial call and didn't have the right resource to know who should be contacted, which is the purpose of the EAP. Mike suggested to have everyone attend a meeting to sit down and make sure everyone understands the steps, flow charts, and call chain. Sarah Miller (Supervisor BC Dispatch) asked to be included in future conversations so that everyone is on the same page. The Board agreed, then directed Mike and Heather to work on updates. Mike mentioned there is cost share for projects like this, the Board asked Mike to pursue funding first, then shoot for a fall meeting to invite all involved parties.

Manager Anderson mentioned that Ed Thom contacted him about the syphon pipes on the slough that's across the road from his home, one syphon is working the others are damaged from ice this past winter. Mike explained that the RR is looking at a more permanent solution, but that will take time to budget and there is no funding guarantee, but they are looking into it.

NEW BUSINESS

Complaint – Sizer/Uxbridge Twp. Board

Dan Sizer COMPLAINT FOR WATER-RELATED ISSUES Against Uxbridge Township Board of Township Supervisors

The Board next considered Dan Sizer's Complaint against the Uxbridge Township Board of Township Supervisors. Mr. Sizer filed a COMPLAINT FOR WATER-RELATED ISSUES, dated May 11, 2022. In the Complaint, Mr. Sizer alleges 101st Avenue SE "is acting like a dam and holding water back" on Section 2 of Uxbridge Township. Mr. Sizer seeks installation of a culvert or outlet to provide relief to his property. Mr. Sizer filed the Complaint as a dam/dike complaint under N.D. Cent. Code §§ 61-16.1-38 and 61-16.1-53.

Sean Fredricks reviewed this matter and indicated the Barnes County Water Resource District lacks jurisdiction to order Uxbridge Township to install a culvert through its road in this situation. Under N.D. Cent. Code § 61-16.1-42, the Board has authority to order installation of a culvert through a township road, or to increase the capacity of existing culverts in a township road, but only along the course of a legal assessment drain. Further, water resource districts and road authorities share jurisdiction and decision-making authority regarding culverts that discharge into legal assessment drains, or that permit water to enter into legal assessment drains, under the North Dakota Supreme Court decision in Eichhorn v. Waldo Township Board of Supervisors, 723 N.W.2d 112 (N.D. 2006). However, neither Section 61-16.1-42 nor the Eichhorn decision have any bearing on this matter. There is no legal assessment drain in the vicinity of Mr. Sizer's property in Section 2 of Uxbridge Township, and, therefore, the legal assessment drain capabilities of the Barnes County Water Resource District under Section 61-16.1-42 and the Eichhorn decision, as they relate to culverts through township roads, do not apply in this situation.

Mr. Fredricks noted Mr. Sizer is attempting to utilize the dam/dike complaint process under Section 61-16.1-53 to compel Uxbridge Township to install a new culvert. However, the North Dakota Supreme Court has ruled on several occasions that water resource districts lack the authority or jurisdiction to order road authorities to install culverts, in the absence of any legal assessment drain. In Kadlec v. Greendale Township Board of Township Supervisors, 583 N.W.2d 817, 822 (N.D. 1998), the Supreme Court held road authorities, and not water resource districts, have sole jurisdiction regarding culverts through township roads under N.D. Cent. Code § 24-03-06. The Supreme Court found a landowner seeking a culvert through

a road or highway should apply with the applicable road authority since only road authorities have the authority to install culverts through their roads, in the absence of any legal drain. Similarly, in Ness v. Ward County Water Resource District, 585 N.W.2d 793, 795-96 (N.D. 1998), the Supreme Court held that, in the absence of a legal assessment drain, road authorities, and not water resource districts, have sole jurisdiction and decision-making authority regarding culverts through their roads or highways to preserve drainage.

Landowners often suggest that “roads cannot act as dams.” However, that antiquated notion does not control North Dakota drainage law. Rather, Sections 24-03-06 and 24-03-08 require road authorities, including townships, to comply with the North Dakota Stream Crossing Standards when constructing or reconstructing highways or roads. Prior to the implementation of the Stream Crossing Standards, road authorities were required to design road crossings “in accordance with scientific highway construction and engineering” when constructing or reconstructing a road or a crossing. To the extent a road authority fails to meet its obligations under the Stream Crossing Standards, the North Dakota Supreme Court has clearly held water resource districts lack any jurisdiction or authority to compel a road authority to comply with their Stream Crossing Standard obligations, and landowners therefore should seek their remedies from the road authorities. See Skogen v. Hemen Township Board of Township Supervisors, 782 N.W.2d 638 (N.D. 2010). With these issues in mind, the Board lacks any jurisdiction to order Uxbridge Township to install a culvert through its township road.

In addition, the permitting statutes regarding dams and dikes, Section 61-16.1-38, does not contemplate roads or highways as dams or dikes. Section 89-08-01 of the North Dakota Administrative Code provides the following definitions of those terms:

3. "Dam" means any barrier, including any appurtenant works, constructed across a watercourse or an area that drains naturally to impound or attenuate the flow of water. All structures necessary to impound a single body of water are considered a single dam.

4. "Dike" means any artificial barrier, including any appurtenant works, constructed along a watercourse or an area that drains naturally to divert the flow of water to protect real or personal property.

In this case, 101st Avenue SE does not meet the definition of a “dam” or a “dike,” nor does it meet the definition of “other device”:

14. "Other device" means a water control structure, other than a dam or dike, including diversions and holding ponds, lagoons, or dugouts.

With all of these issues in mind, the Barnes County Water Resource District lacks any jurisdiction under Sections 61-16.1-38 and 61-16.1-53 to order Uxbridge Township to install a culvert through 101st Avenue SE. Further, the North Dakota Supreme Court has held on several occasions that road authorities, and not water resource districts, have sole jurisdiction over culverts through their highways. Mr. Fredricks advised the Board they have no choice but to dismiss Mr. Sizer’s Complaint.

Manager Legge moved to dismiss Mr. Sizer’s COMPLAINT FOR WATER-RELATED ISSUES due to lack of jurisdiction. Manager Buttke seconded the motion. 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 the parties of record.

Drain Tile Application – Fred Schroeder

Application to Install a Subsurface Water Management System No. 2022-03 for Fred Schroeder in the Northwest Quarter of Section 2 in Alta Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2022-03*, filed by Applicant Fred Schroeder on May 25, 2022. Under the Application, Applicant seeks to install a 140-acre drain tile system in the Northwest Quarter of Section 2 in Alta Township, Barnes County, North Dakota. The project will include a single gravity outlet in the northeast corner of the Northwest Quarter of Section 2; the outlet will discharge into the south road ditch along 30th Street SE; the discharge will flow east in the south road ditch, along the north boundary of the Northeast Quarter of Section 2 and the Northwest Quarter of Section 1 of Alta Township.

According to County tax roll information, Darrell & Rebecca Schroeder Land Partnership LLLP, owns the Northwest Quarter of Section 2 in Alta Township. With regard to downstream properties, WFFP LLLP, owns the Northeast Quarter of Section 2 in Alta Township, and Jon and Andrea Richman own the Northwest Quarter of Section 1.

Manager Fehr moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2022-03*, filed May 25, 2022, for Fred Schroeder in the Northwest Quarter of Section 2 in Alta Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-03, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into Alta Township's road right of way.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Barnes Rural Water District has in the Northwest Quarter of Section 2 in Alta Township under any blanket easements, or otherwise beyond Barnes Rural Water District's existing easement.
4. Applicant will remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to one mile downstream from the project outlet.
5. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-03 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.

With regard to condition #4, Applicant's obligations to remove silt or vegetation, or to repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream

landowner or road authority that Applicant's tile system *directly* caused accumulation of silt or vegetation, erosion, or scouring.

Under Section 61-32-03.1, the District 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 comply with the following:

1. The Board recommends that Applicant obtain written consent from Alta Township to discharge into or otherwise utilize any of the Township's right of way.
2. The Board recommends 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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT No. 2022-03, Applicant's downstream flow map, and the Barnes County Permit Form to the Department of Water Resources, Barnes Rural Water District, Alta Township, downstream landowners, and Jessica Jenrich. Under the new tile law, Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Complaint – City of Sanborn/BNSF Railway

Charlie Brandenburg (Mayor City of Sanborn) explained the culverts on both sides of the RR tracks are plugged, they need to be cleaned out or replaced. Water is backed up on the City properties on the west side of town, this has gotten to be quite a problem with stagnant water and mosquitoes. The RR's entire drain south of the tracks that flows east to the lake is plugged with debris, this could be cleaned out as well. Sean explained with this situation there are federal jurisdiction issues when there's no legal drain involved; the WRD does not have clear cut jurisdiction regarding railroad right of way in the absence of a legal assessment drain. Sean then suggested the City contact local maintenance folks or local counsel for BNSF for assistance. Sean forwarded BNSF's local counsel's contact information for Mr. Brandenburg to get in touch with. After more discussion, Mr. Brandenburg withdrew the complaint and thanked everyone for their help.

Surface Drain Permit Appl. No. 5957 – Dale Jorissen

APPLICATION FOR SURFACE DRAIN No. 5957 for Dale Jorissen in the West Half of Section 24, in Section 25, and in the North Half of Section 36 of Edna Township

The Board reviewed information from the State Engineer regarding APPLICATION FOR SURFACE DRAIN No. 5957 for Applicant Dale Jorissen. Under the application, Applicant proposes to convert a portion of the project constructed under EMERGENCY SURFACE DRAIN PERMIT NO. 5351 (the "Emergency Permit"), granted by the State Engineer's Office, into a permanent project and to extend the project constructed under the Emergency Permit. The purpose of the Emergency Permit was to provide an outlet for Ten Mile Lake, to drain at a lower elevation. The objective of the project contemplated under APPLICATION FOR SURFACE DRAIN No. 5957 is not to drain Ten Mile Lake; rather, the project would accommodate drainage that would naturally flow through this area downstream of Ten Mile Lake. Further, Applicant indicated a control gate on a culvert located upstream of the project, on 18th Street SE, along the north line of Section 1 of Edna Township, will be closed when areas to the north, including Ten Mile Lake, are contributing

flows to this project, and when the road crossings along the drain and farther downstream are unable to accommodate additional flows. Applicant did not include the control gate on 18th Street SE as a project component in APPLICATION FOR SURFACE DRAIN No. 5957; however, that gate will significantly impact the project proposed under this application. Applicant has not offered an operating plan for the control gate.

The footprint of the project will commence at the boundary between Section 13 and Section 24 in Edna Township and will run south, across the West Half of Section 24; the project will cross under North Dakota Highway 9 and will continue south across the Northwest Quarter of Section 25 and the Northeast Quarter of the Southwest Quarter of Section 25; the project will extend into the Southeast Quarter of Section 25 before turning west, back into the Southwest Quarter of Section 25; the project will cross under 23rd Street SE and will ultimately discharge into Tomahawk Creek. The project will intercept and drain several sloughs along the project route. The project will include 13,343 feet of drainage improvements, a maximum cut of 4 feet, a maximum bottom width of 7 feet, and 3:1 side slopes.

In 2011, the Board entered into an agreement with NDDOT under which the parties agreed the Board would install a temporary 36" pipe under Highway 9 to accommodate drainage from Ten Mile Lake, and the Board agreed to remove the pipe in November of 2012. The Board later asked to leave the pipe installed permanently; NDDOT denied that request but extended the agreement through November of 2013. However, the pipe is still in place today, and would accommodate the project proposed under APPLICATION FOR SURFACE DRAIN No. 5957. The Board is hopeful NDDOT will leave the culvert in place, but the Board cannot guarantee NDDOT will allow the culvert to remain. That culvert issue will ultimately be Mr. Jorissen's responsibility.

According to Barnes County tax records, John Hollinshead owns the Northwest Quarter of Section 24; LuAnn Tschaekofske and Gerald and Ardell Saar own the Southwest Quarter of Section 24 and the West Half and Southeast Quarter of Section 25; Shawn and Linda Anderson own the Northeast Quarter of Section 36; and Scott and Kimberly Anderson own the Northwest Quarter of Section 36.

Under N.D. Cent. Code § 61-32-03 and Section 89-02-01-09.2 of the North Dakota Administrative Code, the Board must determine if the project will result in adverse downstream impacts and, if so, the Board must require Applicant to obtain downstream flowage easements. Mike Opat prepared responses to the eight-point questionnaire required by DWR, as mandated under Section 89-02-01-09.2. In Mike's responses, he noted the project will only drain waters that would naturally spill and flow downstream. Further, while the project under the Emergency Permit has been in operation, downstream parties have not suggested the project is resulting in downstream impacts. Applicant closed a portion of the project constructed under the Emergency Permit; more specifically, Applicant closed a portion of the drain in the Southwest Quarter of Section 13 to comply with U.S. Fish & Wildlife requirements. Finally, the control gate on the culvert through 18th Street SE could mitigate downstream impacts caused by the project constructed under the Emergency Permit. With this in mind, the Board concluded the project will not result in adverse impacts that will require downstream easements. The Board will, however, require Applicant to obtain written consent or easements from landowners along the course of the project, to operate and maintain drainage improvements on those landowners' parcels. The Board will also require Applicant to obtain consent from NDDOT and Edna Township to discharge into or otherwise utilize their right of way. Finally, the Board will require Applicant to obtain consent from Edna or Laketown Township to operate and maintain a control gate on the culvert through 18th Street SE. The terms of Applicant's operation of the gate will be a matter for determination by Edna or Laketown Township. At any rate, in light of these permit conditions, the Board concluded no hearing is necessary on the application under Section 89-02-01-09.1(2).

Manager Legge moved to approve Mike Opat's draft responses to the eight-point questionnaire required under Section 89-02-01-09.2, and to approve APPLICATION FOR SURFACE DRAIN No. 5957 for Dale Jorissen, subject to the conditions attached by the Department of Water Resources, and subject to the following conditions:

1. Applicant will not construct or improve the drain in any manner that exceeds the following dimensions: 13,343 feet of drainage improvements, a maximum cut of 4 feet, a maximum bottom width of 7 feet, and 3:1 side slopes.
2. Applicant will execute agreements or easements with the owners of the Northwest Quarter of Section 24, the Southwest Quarter of Section 24, and the West Half and Southeast Quarter of Section 25; and the North Half of Section 36 of Edna Township to allow Applicant to construct, operate, and maintain drainage improvements.
3. Applicant will obtain written permission from the North Dakota Department of Transportation to discharge into or otherwise utilize any of the State's Highway 9 right of way, or to maintain any culvert necessary to accommodate the project.
4. Applicant will install and maintain erosion protection at any discharge into NDDOT right of way.
5. Applicant will obtain written permission from the Edna Township Board of Township Supervisors to discharge into or otherwise utilize any of the Township's road right of way.
6. Applicant will install and maintain erosion protection at any discharge into Edna Township right of way.
7. Applicant will obtain written permission from the Township responsible for operating 18th Street SE (either the Edna Township Board of Township Supervisors or the Laketown Township Board of Township Supervisors) to install and operate a control gate on a culvert through 18th Street SE, including permission regarding acceptable gate operation.
8. Applicant will notify the Barnes County Water Resource District in advance of any proposed improvements to the drain, including any increase in the capacity or drainage area impacted, and, if necessary, will submit an additional permit application.

Manager Anderson seconded the motion. Upon roll call vote, the motion carried unanimously.

In addition to those conditions, the Board will also recommend 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.

The Board directed Sean Fredricks to prepare the requisite NOTICE OF DECISION and to provide the NOTICE to all parties of record.

Complaint – Rasmusson/Bonde

Mike and Sean discussed the complaint that was submitted. Mike noted a tile project is the subject of the complaint. The Board received an under 80-acre notification in March for this project, as required by North Dakota law for projects with footprints less than 80 acres. The maps submitted with that notification show a slough adjacent to Mr. Rasmusson's property that is likely where the tile system is being discharged; the slough is not a very large slough and it is filling up and spilling onto adjacent property. Chairman Hieb indicated that Mr. Rasmusson stated a whole quarter has been tiled. Chairman Hieb asked what the process is if two under 80-acre systems go in next to each other, Mike stated if the systems share a common outlet, they should have a permit. After more discussion, the Board agreed to table this complaint, invite both parties involved to attend the July meeting to discuss, then the Board will decide how to move forward. Heather will send both parties an invite to the July meeting.

Engineer Report

Mike pulled together some information for Sibley Trail and discussed with them, it is a unique situation, they are going to continue to look at options with their water issue. Mike also mentioned that an inspection will be done on Clausen Springs Dam this fall.

Del Ray Enger asked if there is any update on Meadow Lake. Mike explained the Board agreed to work with NRCS to try to utilize federal funding. Mike is currently working on project information to submit for prelim feasibility reports to look at issues throughout the watershed, then proposed potential solutions will get submitted for a large-scale effort to do prelim design. We could potentially receive up to 75-100% funding from NRCS.

Legal Report

Sean had nothing else to report.

Kevin Ussatis asked about getting material for his driveway that lies within the channel of the Thordenskjold Drain, an inspection of the drain and culverts will take place when the water goes down. This material will help keep him continue to use his driveway until the inspection is complete. The Board agreed on one load of gravel for Mr. Ussatis.

Bills

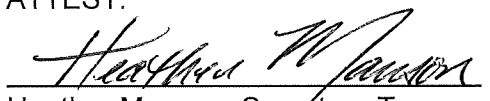
Manager Fehr moved to approve the bills as presented. Manager Legge seconded the motion. Upon roll call vote, the motion carried unanimously.

With nothing further to discuss, the meeting was adjourned at 10:57 a.m.

APPROVED:


Jerry Hieb, Chairman

ATTEST:


Heather Manson, Secretary-Treasurer

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

June 13th, 2022

PLEASE SIGN IN BELOW

Fale Jansson

Dehay Eger

Darrell Schroeder

Dan Dyer

Kevin Ussato's

Arvid Winkler

Charlie Brandenburg

Ralf Kjaer

Shan Olson

Pede Bruns

Rodney Koop

KURT TOMPKINS

Sarah Miller - Barnes Co. Dispatch

Walter Clements