

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

Meeting Minutes

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

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

ABSENT: Manager Dan Buttke

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

Manager Legge moved to approve the minutes from the Board's meeting on June 13, 2022. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

OLD BUSINESS

VC Little Dam

Last month, the Board authorized Houston Eng. to proceed with design, contingent upon approval of the Joint Powers Agreement by the City and County. Since then, both entities have approved and signed the JPA, and submitted the signed signature pages to Secretary Manson. Mike indicated Houston completed the survey, and the design is moving forward. Sean explained the Board needs to approve JPA as well. Manager Legge moved to approve, and to authorize Chairman Hieb and Secretary Manson to sign, the Joint Powers Agreement. Manager Anderson seconded the motion. Upon roll call vote, the motion carried unanimously.

Mike discussed a timeline for the construction schedule, hoping for a late fall into winter window to allow contractors to work while flows are low. He explained the DWR needs at least three months to review the permit application, and the Board will not be in a position to submit the permit application until we have the design far enough along to provide DWR enough details of the project. Then we must go back to the State Water Commission to request funding for construction, and SWC requires a permit in-hand. In addition, the Board must submit the cost-share request at least forty-five days before the SWC meeting. Discussion was held on Task Order #2 for Houston Engineering's services that was presented earlier; Manager Legge moved to approve Task Order #2. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

NRCS-RCPP Program

Mike reported that we have not received any correspondence back on the request that could allow NRCS to hire Houston Eng. to work on their behalf. There is a meeting set up with NRCS staff on July 18th to visit the James River watershed which includes Meadow Lake and Island Lake, then go to the North part of the

County and visit Eckelson Lake and Ten Mile Lake. The staff want to see the high-water issues in the proposed sites, Manager Anderson stated he could be available to ride along with Mike.

Thordenskjold Drain – structure repairs

Mike reported the structure inspection is scheduled for next week, we do have drone footage, he will piece all of that together for a report. Chairman Hieb mentioned the issues with the Storhoff and Ussatis driveways. Kevin Ussatis stated that all the drain tiling and ditch cleaning has added more water for these crossings to handle. Discussion was held on stream crossing standards, the Board agreed to have the crossings in both driveways looked at during the structure inspection. The Board will wait till the next meeting for Manager Buttke's findings of any additional areas to the North of the drain that could potentially be added to the drain via reassessment. Sean and Mike then explained the process if the Board were to consider possibly extending the legal drain or revisiting the assessment district boundaries. No action was taken by the Board.

RRJWRD – bank stabilization

Mike worked with Manager Anderson and Heather to get a cost share application put together then submitted it to the Red River Joint Water Resource District. RRJWRD will consider the request at the Executive Meeting on July 13th. Sean has prepared a cost share agreement with the RRJWRD for the Board to consider, after discussion Manager Legge moved to approve and authorize Chairman Hieb and Secretary Manson to sign the cost share agreement with RRJWRD. Manager Anderson seconded the motion. Upon roll call vote, the motion carried unanimously. Mike and Sean then explained if the RRJWRD considers the cost share request, the plan is to follow with a cost-share request to the SWC.

Sanborn Lake

Mike reported he has no update regarding the possibility of updating the agreement with BNSF regarding elevations, to address the conditions required by DWR regarding the Board's permit. Manager Anderson reported the elevation as of 7-10-22 is 1427.10, he will continue to monitor, and follow the conditions stated within the permit on when to close the drain. Manager Anderson also discussed the Texas crossing on the Offner/Jorissen land; there is erosion on the west side of the crossing that could use some more rock and compaction, this can be repaired later this fall. Discussion was held on drone flying the drain again for documentation purposes, Manager Anderson moved to have Houston Eng. fly the drain again for documentation in case any damage claims come forth. Manager Legge seconded the motion. Upon roll call vote, the motion carried unanimously. Manager Anderson will let Mike know when the drain is closed.

Clausen Springs Dam:

Mike reported that the SWC unfortunately does not have a funding source to provide cost-share funding for EAP updates. A cost share application was submitted to RRJWRD and will be considered at the RRJWRD July 13th Executive Committee meeting, Mike provided information to Randy Gjestvang on the recent issues and what has all changed and why it needs to be updated. Mike suggested a Board Member should be on the call to answer any questions that may come up. If the request is approved the plan is to work with Heather and update the draft, then have all parties sit down this fall to review, if all agree then finalize and re-distribute copies after that. Mike suggested to the Board rethinking the first point of contact, having it be someone who is closer rather than the engineer. The Board agreed to discuss further this fall with all parties.

Mike received a scope of work from Geotechnical engineer, he will review and combine with what needs to be done to keep the Dam in compliance, the Board can utilize this information in planning for future maintenance budgets. There should be state funding and RRJWRD funding to help offset costs of these

repairs, Mike will have an update at the next meeting. Sean prepared a cost share agreement with RRJWRD for the EAP Updates. After discussion, Manager Fehr moved to approve and authorize signing the cost share agreement for the Clausen Springs Dam EAP Update with RRJWRD. Manager Legge seconded the motion. Upon roll call vote, the motion carried unanimously.

Legal Drain 2:

Mike reported the inspection of the drop structures is complete, they are in good condition. Erosion is the issue, there are some big holes that need to be addressed. There is an issue upstream of one of the structures, and from the last drop structure east to the culverts. Mike suggested getting an estimate from Wade Klubben to discuss at the next meeting, Manager Legge will contact Wade.

Complaint – Rasmusson/Bonde

Mike and Sean explained at the June meeting the Board agreed to invite both parties in to discuss the complaint submitted. Mr. Rasmusson was present, he stated there are nine rolls of tile on the property it looks like the whole quarter will get tiled. Sean explained the Board must consider if the system listed on the complaint is something different in terms of what the Board received in March in the under-80-acre notification. Discussion was held on the current tile permitting requirements and the Board's jurisdiction. If the tile system is less than 80 acres, the Board does not have jurisdiction and will have to dismiss the complaint. After more discussion Manager Legge moved to have Mike investigate the complaint and prepare a report. Manager Anderson seconded the motion. Upon roll call vote, the motion carried unanimously.

NEW BUSINESS

Drain Tile Application – Lee Rose

Application to Install a Subsurface Water Management System No. 2022-04 for Lee Rose in the North Half of Section 4 in Pierce Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2022-04*, filed by Applicant Lee Rose on June 14, 2022. Under the Application, Applicant seeks to install a 234-acre drain tile system in the North Half of Section 4 in Pierce Township, Barnes County, North Dakota. The project will include two pump outlets, one located in the Southwest Quarter of the Northwest Quarter of Section 4, and the other near the northeast corner of Section 4; both pumps will discharge directly into a natural watercourse.

According to County tax roll information supplied by Applicant, Lee Rose owns the North Half of Section 4 of Pierce Township.

Manager Fehr moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2022-04*, filed June 14, 2022, for Lee Rose in the North Half of Section 4 in Pierce Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-04, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into the natural watercourse in the North Half of Section 4 of Pierce Township.

2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Barnes County Water Resource District.
4. 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 North Half of Section 4 in Pierce Township under any blanket easements, or otherwise beyond Barnes Rural Water District's existing easement.
5. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-04 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 Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will 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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT No. 2022-04, Applicant's 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, Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Drain Tile Application – Matt Jorissen

Application to Install a Subsurface Water Management System No. 2022-05 for Matt Jorissen in the Northwest Quarter of Section 33 in Edna Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2022-05*, filed by Applicant Matt Jorissen on June 20, 2022. Under the Application, Applicant seeks to install a 138-acre drain tile system in the Northwest Quarter of Section 33 in Edna Township, Barnes County, North Dakota. The project will include a single pump outlet, located on the east boundary of the Southwest Quarter of the Northwest Quarter of Section 33; the pump will discharge directly into a slough.

According to County tax roll information supplied by Applicant, the Scott P. Jorissen Revocable Living Trust owns the Northwest Quarter of Section 33 of Edna Township; Applicant indicated he rents and farms the property.

Manager Anderson moved, and Manager Fehr seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2022-05*, filed June 20, 2022, for Matt Jorissen in the

Northwest Quarter of Section 33 in Edna Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-05, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into the slough in the Northwest Quarter of Section 33 of Edna Township.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Barnes County Water Resource District.
4. 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 33 in Edna Township under any blanket easements, or otherwise beyond Barnes Rural Water District's existing easement.
5. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-05 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 Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will 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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT No. 2022-05, Applicant's 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, Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Drain Tile Application – Kyle Jorissen

Application to Install a Subsurface Water Management System No. 2022-06 for Kyle Jorissen in the Northeast Quarter of Section 33 in Edna Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2022-06*, filed by Applicant Kyle Jorissen on June 28, 2022. Under the Application, Applicant seeks to install a 113-acre drain tile system in the Northeast Quarter of Section 33 in Edna Township, Barnes County, North Dakota. This project will connect to the tile system Matt Jorissen plans to install in the Northwest Quarter of Section 33 of Edna Township, the subject of SUBSURFACE WATER MANAGEMENT SYSTEM PERMIT NO. 2022-05. Under *Application No. 2022-06*, Applicant will connect to and utilize the same pump outlet, located on the east boundary of the Southwest Quarter of the Northeast Quarter of Section 33; the pump will discharge directly into a slough.

According to County tax roll information supplied by Applicant, Kyle and Lisa Jorissen own the Northeast Quarter of Section 33 of Edna Township.

Manager Fehr moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2022-06*, filed June 28, 2022, for Kyle Jorissen in the Northeast Quarter of Section 33 in Edna Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-06, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into the slough in the North Half of Section 33 of Edna Township.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Barnes County Water Resource District.
4. 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 Northeast Quarter of Section 33 in Edna Township under any blanket easements, or otherwise beyond Barnes Rural Water District's existing easement.
5. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-06 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 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 and record an easement from Matt Jorissen and the Scott P. Jorissen Revocable Living Trust regarding use of the pump permitted under SUBSURFACE WATER MANAGEMENT SYSTEM PERMIT NO. 2022-05.
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. 2022-06, Applicant's downstream flow map, and the Barnes County Permit Form to the Department of Water Resources, Barnes Rural Water District, Matt Jorissen, the Scott P. Jorissen Revocable Living Trust, 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.

Drain Tile Application – Shawn Wittenberg

Application to Install a Subsurface Water Management System No. 2022-07 for Shawn Wittenberg in the Southwest Quarter of Section 24 in Getchell Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2022-07*, filed by Applicant Shawn Wittenberg on June 28, 2022. Under the Application, Applicant seeks to install a 96-acre drain tile system in the Southwest Quarter of Section 24 in Getchell Township, Barnes County, North Dakota. The project will include a single pump outlet, located in the southwest corner of the Southwest Quarter of Section 24; Applicant indicates the pump will discharge into an existing private drain that runs along the boundary of the Southwest Quarter of Section 24 and the Northwest Quarter of Section 25; the discharge will flow east, through the existing drain, along the section line, and will discharge into a pond or slough in Sections 24 and 25 of Getchell Township.

According to County tax roll information supplied by Applicant, Shawn and Alex Wittenberg own the Southwest Quarter of Section 24 of Getchell Township. Further, Eileen Yobby owns the Northwest Quarter of Section 25.

Manager Legge moved, and Manager Anderson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2022-07*, filed June 28, 2022, for Shawn Wittenberg in the Southwest Quarter of Section 24 in Getchell Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-07, subject to the following conditions:

1. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
2. Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Barnes County Water Resource District.
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 Southwest Quarter of Section 24 in Getchell 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 from the pump outlet to the pond or slough in Sections 24 and 25.
5. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-07 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 consent from Getchell Township to discharge within the Township's statutory section line 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. 2022-07, Applicant's downstream flow map, and the Barnes County Permit Form to the Department of Water Resources, Barnes Rural Water District, Eileen Yobby, Getchell Township, 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.

Del Ray Enger along with the Meadow Lake Twp. Board was present to discuss the process of creating an assessment district. Sean explained the Board's petition-bond requirements and what those funds cover, Del Ray explained this is for a private project which would include landowners in Meadow Lake and Greenland townships. This project has nothing to do with Meadow Lake itself. Sean then explained for a private project landowners should apply for a Surface Drain Permit from the State and discussed the process and comment period timelines. He also explained the landowners listed on the application are responsible for constructing and maintaining the project, the WRD cannot utilize tax dollars for private projects, the WRD will review and approve the final project.

Engineer Report

Mike mentioned the Joint Summer WRD Meetings are going on in Fargo this week, he also mentioned the email discussing the State Audit requirements.

Legal Report

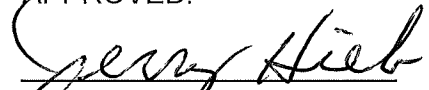
Sean mentioned the Red River Joint WRD Executive Meeting is coming up on Tuesday, also the Drainage Committee meets in August.

Bills


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

With nothing further to discuss, the meeting was adjourned at 11:10 a.m.

APPROVED:


Jerry Hieb, Chairman

ATTEST:


Heather Manson, Secretary-Treasurer

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

July 11th, 2022

PLEASE SIGN IN BELOW

Donald Garrison

Dale Garrison

Dana McClean

Alan Olson

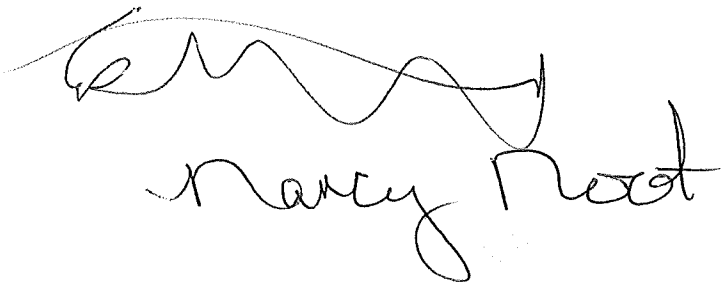
For Usseto

Bob Neund

KURT TOMPKINS

Delroy Cuper

Vernon Rouda


Nancy Reed

BCC

USFWS