

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

Meeting Minutes

November 14, 2022 - 9:00 a.m.

MEMBERS PRESENT: Chairman Jerry Hieb, Managers Bruce Anderson, Scott Legge, Dan Buttke, Mike Opat, Houston Engineering, Shawn Olauson Barnes County Commissioner.

ABSENT: Manager Bret Fehr, Sean Fredricks Ohnstad Twichell

Chairman Hieb called the meeting to order at 9:01 a.m.

Manager Legge moved to approve the minutes from the Board's meeting on October 10, 2022. Manager Anderson seconded the motion. Upon roll call vote, the motion carried.

OLD BUSINESS

VC Little Dam

Mike discussed the email received from the DWR regarding the Construction Permit Application submitted, the 30-day comment period is part of the permit review process, Mike suggested the Board send an email response back stating that we have no comments to possibly expedite the review process. After discussion, Manager Legge motioned directing Heather to send a no comment response to the DWR. Manager Anderson seconded the motion. Upon roll call vote, the motion carried unanimously. Mike explained as part of the State permit process they require a certification that there are no negative impacts to the floodplain, that application has been filled out and sent to the City for the Floodplain Administrator to sign it, Mike will follow up with them. Mike mentioned it will more than likely be February before we get everything we need from a permitting standpoint; he will continue to keep the Board updated.

NRCS-RCPP Program

Christie Fisher (NRCS) was in attendance to discuss status and the Board's interest in moving forward. She explained the requirements of the Watershed Operations Program, funding options, steps that need to be taken along with agency involvement. Christie mentioned that Meadow Lake and Ten Mile Lake are the two potential projects that would fit best. Discussion was held on funding, Christie explained the funding options one being 100% federally funded, the other a local contract that is a 50-50 split between the WRD and NRCS. The WRD has \$25,000 for both Meadow Lake and Ten Mile Lake approved in their 2023 Budget, Mike discussed potential cost share from the DWR that could possibly cover the other portion, he will work with Heather on that application. Commissioner Olauson asked if these potential projects would become legal assessment drains, Mike mentioned that the Board could choose

to go that direction beings we do know these will require future maintenance. After more discussion, Manager Legge motioned to move forward with two separate Preliminary Investigation Feasibility Reports (PIFR's) for Ten Mile Lake and Meadow Lake. Chairman Hieb seconded the motion. Upon roll call vote, the motion carried unanimously. The Board thanked Christie for taking the time to explain everything, so everyone is on the same page.

Thordenskjold Drain

Chairman Hieb reported on his discussion with Scott Olerud, Ransom County Water Manager, on potential assessments in Ransom County. He stated the conversation was positive, Chairman Hieb and Mike will attend the Ransom County Water Resource District meeting on November 18th in Lisbon. They will update the Board at the next meeting.

RRJWRD – bank stabilization

Mike reported a press release has been sent out, emails with the online survey link were sent to Water Resource Districts, Townships, Highway Dept.'s, Utility Companies, and Park Districts to enter information and upload photos. The deadline to submit information is December 1st, Mike will provide an update at the next meeting.

Sanborn Lake

The WRD received a letter from BNSF regarding the discussion between Manager Anderson, Dan Peltier (BNSF), and Mike on potentially modifying the Board's agreement with BNSF. The letter stated, in BNSF's view, the State-imposed restrictions constitute "factors beyond the District's control". So long as the District is using its best efforts to operate the outlet as effectively as possible in compliance with the State-approved operating plan, it is fulfilling its commitment to BNSF under the BNSF agreement. Mike and the Board agreed that this is good news. Manager Anderson reported the gage was pulled on Oct. 25th, the elevation of the lake at that time is 1425.81.

Clausen Springs Dam:

Mike reported the DWR staff completed their inspection, good news is that nothing significant was identified during the inspection. Mike discussed some relatively minor issues that were noted, there was not a noticeable increase in seepage through the seams in the principal spillway pipe. There is some settlement of the ABC blocks on the auxiliary spillway, we will keep an eye on this moving forward. There is some small trees/brush growing on the embankments, the Board discussed get those sprayed next spring/summer. The metal trash rack is corroding, the Board agreed to look into a new one that would provide easier access for future inspections. Mike mentioned an official report will be sent out by the DWR for the Board to review.

With the EAP Update, Heather confirmed that Tim Tangen with the BC Highway Dept. will take on the primary observation role in the case of an event, Manager Buttke confirmed that Brad Knutson with the Kathryn Fire Dept. will also assist. Mike will make the revisions to the draft EAP, the Board agreed to invite all entities to the January 2023 meeting to discuss the update, so everyone understands their responsibilities.

Manager Anderson reported that with Hobart Drain water quality is good and within the parameters to keep the drain open, the elevation as of Oct. 25th is 1416.69.

Chairman Hieb mentioned he received a call from Dean Carpenter stating he did work for us around Thordenskjold Drain, Manager Buttke will check out this area after the meeting. Chairman Hieb wanted it noted in the minutes that the Board did not authorize Mr. Carpenter to do any work .

NEW BUSINESS

Application to Install a Subsurface Water Management System No. 2022-13 for Winter Farms Family Partnership in the East Half of Section 18 in Cuba Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2022-13*, filed by Applicant Winter Farms Family Partnership on October 27, 2022. Under the Application, Applicant seeks to install 109-acre drain tile system in the East Half of Section 18 in Cuba Township, Barnes County, North Dakota. The project will include a single gravity outlet, located along the west boundary of the Southeast Quarter of Section 18; the outlet will discharge directly into a USGS "blue line" natural watercourse that flows to the west, across the Southwest Quarter of Section 18 and across Section 13 of Cuba Township.

According to County tax roll information supplied by Applicant, Gladys Ratzlaff, as Trustee of the Gladys Ratzlaff Trust, owns 31.64 acres in the North Half of the Southeast Quarter of Section 18, the south 90 acres in the Southeast Quarter, and 72.36 acres in the Northeast Quarter of Section 18; and the Allen J. Gross and Katherine E. Gross Trust owns 119.14 acres in the East Half of Section 18. Applicant leases the property Applicant intends to tile. Applicant does not intend to tile the portion of the Northeast Quarter of Section 18 owned by Wooland Cemetery. Connie Winkler owns the Southwest Quarter of Section 18, downstream of the project outlet, but under North Dakota law, once the project discharges into the natural watercourse in the Southeast Quarter of Section 18, the Barnes County Water Resource District no longer has jurisdiction over the tile discharge.

Manager Anderson moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2022-13*, filed October 27, 2022, for Winter Farms Family Partnership in the East Half of Section 18 in Cuba Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-13, subject to the following conditions:

1. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
2. Applicant will install and maintain erosion protection at any and all outlets into the natural watercourse in the Southeast Quarter of Section 18 in Cuba Township.
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 East Half of Section 18 in Cuba Township under any blanket easements, or otherwise beyond Barnes Rural Water District's existing easement.

4. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-13 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 an easement or other written consent from the owners of the East Half of Section 18 in Cuba Township to install, operate, and maintain tile components.
2. The Board recommends that Applicant obtain written consent from the Cuba Township Board of Township Supervisors if Applicant installs any project components in the Township's right of way.
3. 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. 2022-13, Applicant's downstream flow map, and the Barnes County Permit Form to the Department of Water Resources, Barnes Rural Water District, Cuba Township, Gladys Ratzlaff, Allen and Katherine Gross, Connie Winkler, 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.

Annual Joint 2022 Water Convention

Heather confirmed that registration is complete, rooms are reserved for those attending.

Complaint: Les Hansen – Pat Hurley

Mike briefly discussed the complaint that was submitted by Les Hansen. Pat Hurley was in attendance and stated he completed drain maintenance that was approved by NRCS. Mike explained the complaint review process, the Board needs to determine if whatever has been done requires a permit, and is what has been done more than maintenance. Discussion was held on having Mike investigate and prepare a report, Mike mentioned with the current snowfall it will be difficult to determine anything. After more discussion, Mr. Hansen agreed to the Board holding his complaint in abeyance until the spring. Manager Legge motioned to hold the complaint in abeyance until spring with Les Hansen's consent. Manager Anderson seconded the motion. Upon roll call vote, the motion carried unanimously.

Engineer Report

Mike received a call from Vaughn Zacharias regarding a water appropriations permit, the WRD has not received a letter from the DWR on this, Mike referred him to the State Engineer's Office. Mike touched base on the upcoming Drainage Committee meeting, Sean will update the Board on this at the next meeting.

Legal Report

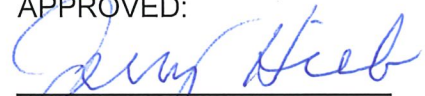
No legal report.

Bills

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

With nothing further to discuss, the meeting was adjourned at 11:15 a.m.

APPROVED:



Jerry Hieb, Chairman

ATTEST:



Heather Manson, Secretary-Treasurer

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

November 14th, 2022

PLEASE SIGN IN BELOW

Les Hansen
CHRISTY FISHER