

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

Meeting Minutes

April 10, 2023 - 9:00 a.m.

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

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 13, 2023, as printed. Manager Legge seconded the motion. Motion carried; minutes approved as printed.

OLD BUSINESS

VC Little Dam

Mike reported that we are still waiting for permit approval. We have also received a Flood Plain Permit from the DWR, no update yet on the Sovereign Lands permit. Mike mentioned if the permits come in within the next couple months, the parties should still be in a position to construct this year; however, if DWR's review process continues, that could jeopardize project timing. Mike will reach out to the Director of DWR to see if they can expedite their review. Mike also sent out an email to the City of Valley City and the County to keep them updated on this project.

NRCS-RCPP Program

Mike reported at the last meeting that the Board authorized an application for cost share assistance from the North Dakota State Water Commission, and that application has been submitted. Mike has also visited Randy Gjestvang (RRJWRD) about possible funding for the feasibility study. The application along with a cover letter will be submitted today, this could possibly cover 65% of local eligible costs. Mike presented Task Order No. 4 regarding preparation of the NRCS scope of work. Manager Legge moved to approve Task Order No. 4. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

Thordenskjold Drain

Mike and Chairman Hieb attended the Ransom Co. WRD meeting to update them on the discussions held at the February informational meeting and possible next steps regarding the Board's plan to reassess the drain. The Ransom Co. Board requested another landowner informational meeting, this meeting is scheduled for April 21st at 10:00 a.m., the meeting will be held at the Nome Schoolhouse. Invitations have

been sent out to Ransom County landowners; Mike will present the information discussed at the February informational meeting held in Barnes County.

RRJWRD-bank stabilization

Mike reported after the snow melts this spring he will do site visits, and include the additional information he collects in the final report.

Clausen Springs Dam:

Mike reported that the updated EAPs have been distributed to all involved agencies. We still plan to meet with Tim T. and Brad K. at the dam to review inspection and observation duties. After the final invoice is approved today, Heather will have the cost share reimbursement request ready for submittal. At the last meeting the Board authorized proceeding with Trademark Tooling for the trash rack repair and installation, they will start after this spring melt.

Snagging/Clearing:

Mike reported the total cost for the project was +/- \$95,000, with work concluding around six miles north of the county line. After the final invoice is approved today, Heather will have the cost share reimbursement request ready for submittal.

I-94 Drainage Project

The Board previously approved, and the Chair and Secretary-Treasurer both signed, the Quit Claim Deed to convey ownership of the parcel in question to the City. The City has the deed and planned to approved it at the City's last meeting. City staff has been in communication with SRF on the project. The WRD should be finished with their portion of this project.

Baldhill Dam Operation Meeting

Mike reported on Scott Tichy's (COE) Baldhill Dam report at the Upper Sheyenne Meeting, Scott indicated that the lake is at a current target drop down level of 1257.

NEW BUSINESS

Donald Miller – Thordenskjold Drain

Mr. Miller was not in attendance; he did not call in for discussion.

Minnkota Power – Hobart Drain

Minnkota Power Cooperative, Inc. is planning to complete a transmission line replacement for a crossing area located within the Hobart Lake National Wildlife Refuge. A project description was presented to the Board for informational purposes; the project will not impact any of the Board's facilities and the Board has no jurisdiction over the project.

Drain Tile Application – Noeske Farms

Application to Install a Subsurface Water Management System No. 2023-03 for Noeske Farms in the South Half and the Northeast Quarter of Section 30 in Weimer Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2023-03*, filed by Applicant Noeske Farms, a farm partnership owned by Noeske Real Estate, LLP, on March 24, 2023. Under the Application, Applicant seeks to install a 208-acre drain tile system in the South Half and the Northeast Quarter of Section 30 in Weimer Township, Barnes County, North Dakota. The project will include four gravity outlets, two located in the Southwest Quarter of Section 30 and the other two in the Southeast Quarter of Section 30; all four outlets will discharge directly into a natural watercourse that flows across the South Half of Section 30, to the east across Section 29.

According to County tax roll information supplied by Applicant, Noeske Farms owns the South Half of Section 30; William Noeske owns the East Half of the Northeast Quarter of Section 30; and R. Bradley Noeske owns the West Half of the Northeast Quarter of Section 30. Once the project discharges into the natural watercourse in the South Half of Section 30, the Barnes County Water Resource District no longer has jurisdiction over the tile discharge.

Manager Legge moved, and Manager Fehr seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-03*, filed March 24, 2023, for Noeske Farms in the South Half and the Northeast Quarter of Section 30 in Weimer Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-03, 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 South Half of Section 30 of Weimer 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 South Half or the Northeast Quarter of Section 30 in Weimer 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. 2023-03 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.

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 the owners of the Northeast Quarter of Section 30 of Weimer Township to install and maintain tile on their property.
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. 2023-03, Applicant's downstream flow map, and the Barnes County Permit Form to the Department of Water Resources, Barnes Rural Water District, R. Bradley Noeske, and William Noeske. Under North Dakota law, Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Fredricks further indicated he will include language in Applicant's NOTICE OF DECISION to notify Applicant that the project may require a DRAINAGE/DITCH CLEANING PERMIT from Barnes County if the project will include any discharge into Weimer Township's road right of way.

Drain Tile Application – Gary Albrecht

Application to Install a Subsurface Water Management System No. 2023-04 for Gary Albrecht in the Northeast Quarter of Section 9 in Pierce Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2023-04*, filed by Applicant Gary Albrecht, a farm partnership, on March 24, 2023. Under the Application, Applicant seeks to install a 160-acre drain tile system in the Northeast Quarter of Section 9 in Pierce Township, Barnes County, North Dakota. The project will connect to the system proposed by Lee Rose in the South Half of Section 9 in Pierce Township under *Application to Install a Subsurface Water Management System No. 2023-05*. The joint system will discharge via a 4-inch line that will run to the south boundary of the Southeast Quarter of Section 9, under 14th Street SE; the pipeline will daylight and discharge via a pump outlet, directly into a pond, lake, or slough on the south side of 14th Street, in Section 16 of Pierce Township.

According to County tax roll information, Gary Albrecht owns the Northeast Quarter of Section 9 of Pierce Township, and Lee Rose owns the Southeast Quarter of Section 9. Once the project discharges into the pond, lake, or slough south of 14th Street, the Barnes County Water Resource District no longer has jurisdiction over the tile discharge.

Manager Fehr moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-04*, filed March 24, 2023, for Gary Albrecht in the Northeast Quarter of Section 9 in Pierce Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-04, 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 install and maintain erosion protection at any and all outlets into the pond, lake, or slough in Section 16 of Pierce Township.
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 9 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. 2023-04 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 comply with the following:

1. The Board recommends that Applicant obtain written consent from the Pierce Township Board of Township Supervisors to install any project components in any of the Township's right of way.
2. The Board recommends that Applicant and the owner of the Southeast Quarter of Section 9 enter into, and record, an agreement regarding use of a common outlet.
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. 2023-04, Applicant's downstream flow map, and the Barnes County Permit Form to the Department of Water Resources, Barnes Rural Water District, Pierce Township, Lee Rose, and Jessica Jenrich. Under North Dakota law, Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Fredricks further indicated he will include language in Applicant's NOTICE OF DECISION to notify Applicant that the project may require a DRAINAGE/DITCH CLEANING PERMIT from Barnes County regarding installation of project components within Pierce Township's road right of way.

Drain Tile Application – Lee Rose

Application to Install a Subsurface Water Management System No. 2023-05 for Lee Rose in the South Half of Section 9 in Pierce Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2023-05*, filed by Applicant Lee Rose on March 24, 2023. Under the Application, Applicant seeks to install a 209-acre drain tile system in the South Half of Section 9 in Pierce Township, Barnes County, North Dakota. The project will connect to the system proposed by Gary Albrecht in the Northeast Quarter of Section 9 in Pierce Township under *Application to Install a Subsurface Water Management System No. 2023-04*. The

joint system will discharge via a 4-inch line that will run to the south boundary of the Southeast Quarter of Section 9, under 14th Street SE; the pipeline will daylight and discharge via a pump outlet, directly into a pond, lake, or slough on the south side of 14th Street, in Section 16 of Pierce Township.

According to County tax roll information, Lee Rose owns the South Half of Section 9 of Pierce Township, and Gary Albrecht owns the Northeast Quarter of Section 9. Once the project discharges into the pond, lake, or slough south of 14th Street, the Barnes County Water Resource District no longer has jurisdiction over the tile discharge.

Manager Fehr moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-05*, filed March 24, 2023, for Lee Rose in the South Half of Section 9 in Pierce Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-05, 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 install and maintain erosion protection at any and all outlets into the pond, lake, or slough in Section 16 of Pierce Township.
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 South Half of Section 9 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. 2023-05 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 comply with the following:

1. The Board recommends that Applicant obtain written consent from the Pierce Township Board of Township Supervisors to install any project components in any of the Township's right of way.
2. The Board recommends that Applicant and the owner of the Northeast Quarter of Section 9 enter into, and record, an agreement regarding use of a common outlet.
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. 2023-05, Applicant's downstream flow map, and the Barnes County Permit Form to the Department of Water Resources, Barnes Rural Water District, Pierce Township, Gary Albrecht, and Jessica Jenrich. Under North Dakota law, Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Fredricks further indicated he will include language in Applicant's NOTICE OF DECISION to notify Applicant that the project may require a DRAINAGE/DITCH CLEANING PERMIT from Barnes County regarding installation of project components within Pierce Township's road right of way.

Drain Tile Application – Noeske Farms

Application to Install a Subsurface Water Management System No. 2023-06 for Noeske Farms in the East Half of Section 25 in Noltimier Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2023-06*, filed by Applicant Noeske Farms, a farm partnership owned by Noeske Real Estate, LLP, on March 27, 2023. Under the Application, Applicant seeks to install a 94-acre drain tile system in the East Half of Section 25 in Noltimier Township, Barnes County, North Dakota. The project will connect to Applicant's system proposed under *Application to Install a Subsurface Water Management System No. 2023-03*, filed with the Board on March 24, 2023. The 94-acre system in the East Half of Section 25 in Noltimier Township will include a gravity outlet in the Northeast Quarter of Section 25 that will discharge directly into a natural watercourse that flows to the east, through and under 126th Avenue SE, and across Section 30 of Weimer Township. In addition, the system in the Southeast Quarter of Section 25 in Noltimier Township will connect to the system in the Southwest Quarter of Section 30 in Weimer Township via a line through and under 126th Avenue SE; the system will connect to the westernmost gravity outlet in the Southwest Quarter of Section 30; the gravity outlet will discharge into the same natural watercourse that flows east, across the South Half of Section 30.

According to County tax roll information supplied by Applicant, William Noeske owns the East Half of Section 25 in Noltimier Township. With regard to the system in the Southwest Quarter of Section 30 of Weimer Township, Noeske Farms owns the South Half of Section 30. Once the project discharges into the natural watercourse in the Northeast Quarter of Section 25 in Noltimier Township and in the Southwest Quarter of Section 30 in Weimer Township, the Barnes County Water Resource District no longer has jurisdiction over the tile discharge.

Manager Legge moved, and Manager Fehr seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-06*, filed March 27, 2023, for Noeske Farms in the East Half of Section 25 in Noltimier Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-06, 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 Northeast Quarter of Section 25 in Noltimier Township and in the Southwest Quarter of Section 30 in Weimer 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 25 in Noltimier 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. 2023-06 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 written consent from Noltimier Township and from Weimer Township to install and maintain project components in their respective road 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. 2023-06, Applicant's downstream flow map, and the Barnes County Permit Form to the Department of Water Resources, Barnes Rural Water District, Noltimier Township, Weimer Township, and William Noeske. Under North Dakota law, Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Fredricks further indicated he will include language in Applicant's NOTICE OF DECISION to notify Applicant that the project may require a DRAINAGE/DITCH CLEANING PERMIT from Barnes County regarding installation and maintenance of project components in Noltimier Township's and Weimer Township's respective road right of way.

Drain Tile Application – Mitchell Kohler

Application to Install a Subsurface Water Management System No. 2023-07 for Mitchell Kohler in the North Half of Section 10 and the Southwest Quarter of Section 3 in Springvale Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2023-07*, filed by Applicant Mitchell Kohler on March 30, 2023. Under the Application, Applicant seeks to install a 52-acre drain tile system in the North Half of Section 10 and the Southwest Quarter of Section 3 in Springvale Township, Barnes County, North Dakota. The project will connect to the 128-acre system in the Southeast Quarter of Section 3 contemplated under SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-01, approved for Permittee Kohler Farms by the Barnes County Water Resource District at its meeting on March 13, 2023. The portion of the project in the North Half of Section 10 will connect to the portion in the Southwest Quarter of Section 3 via an underground pipeline that will run under 37th Street SE; the Southwest Quarter project components will connect to the system in the Southeast Quarter of Section 3, and the full, combined system will discharge via a single pump outlet, located along the east boundary of

the Southeast Quarter of Section 3. The pump outlet will discharge directly into the west road ditch along 130th Avenue SE and will flow east, through an existing culvert under 130th Avenue; the discharge will daylight in the east road ditch and will continue to flow east, through existing man-made drains across the Southwest Quarter of Section 2 and a portion of the Southeast Quarter of Section 2, for just under a mile, until discharging into a USGS “blue line” natural watercourse in the East Half of the Southeast Quarter of Section 2.

According to County tax roll information, Mitchell Kohler and Sandra Leitte own the East Half of the Southwest Quarter of Section 3 of Springvale Township, and Richard and Diane Kohler own the West Half of the Southwest Quarter of Section 3; according to Applicant, Mitchell Kohler leases the West Half of the Southwest Quarter of Section 3 from Richard and Diane Kohler. Lamonte and Patricia Johnson own the Southeast Quarter of Section 3 of Springvale Township. With regard to downstream parcels, Lamonte and Patricia Johnson own the Southwest Quarter of Section 2, and John Kohler owns the Southeast Quarter of Section 2. Once the project discharges into the natural watercourse in the Southeast Quarter of Section 2, the Barnes County Water Resource District no longer has jurisdiction over the tile discharge.

Manager Legge moved, and Manager Fehr seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-07*, filed March 30, 2023, for Mitchell Kohler in the North Half of Section 10 and the Southwest Quarter of Section 3 in Springvale Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-07, 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 install and maintain erosion protection at any and all outlets into Springvale Township’s road right of way.
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 10 or in the Southwest Quarter of Section 3 in Springvale Township under any blanket easements, or otherwise beyond Barnes Rural Water District’s existing easement.
5. Applicant will remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant’s tile system, but only up to the discharge into the natural watercourse in the Southeast Quarter of Section 2 of Springvale Township.
6. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-07 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 #5, 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 the Springvale Township Board of Township Supervisors to install any project components within any of the Township's right of way, or to discharge into or otherwise utilize any of the Township's right of way.
2. The Board recommends that Applicant enter into a written agreement with Kohler Farms regarding connection to the system in the Southeast Quarter of Section 3 of Springvale Township.
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. 2023-07, Applicant's downstream flow map, and the Barnes County Permit Form to the Department of Water Resources, Barnes Rural Water District, Springvale Township, Kohler Farms, Richard and Diane Kohler, Lamonte and Patricia Johnson, 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.

Fredricks further indicated he will include language in Applicant's NOTICE OF DECISION to notify Applicant that the project may require a DRAINAGE/DITCH CLEANING PERMIT from Barnes County regarding installation of any project components in any of Springvale Township's road right of way, as well as any discharge into the Township's right of way.

Drain Tile Application – Shawn Anderson

Application to Install a Subsurface Water Management System No. 2023-08 for Shawn Anderson in the North Half and the Southeast Quarter of Section 8 in Stewart Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2023-08*, filed by Applicant Shawn Anderson on April 3, 2023. Under the Application, Applicant seeks to install a 197-acre drain tile system in the North Half and the Southeast Quarter of Section 8 in Stewart Township, Barnes County, North Dakota. The project will include six gravity outlets, all located in the Southeast Quarter of Section 8, that will all discharge directly into a tributary of the Sheyenne River.

According to County tax roll information supplied by Applicant, Shawn and Linda Anderson own the Northeast Quarter of Section 8 of Stewart Township; Scott and Kimberly Anderson own the Northwest Quarter of Section 8; and David Ludwig owns the Southeast Quarter of Section 8. Once the project discharges into the natural watercourse in the Southeast Quarter of Section 8, the Barnes County Water Resource District no longer has jurisdiction over the tile discharge.

Manager Legge moved, and Manager Anderson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-08*, filed April 3, 2023, for Shawn Anderson in the North Half and the Southeast Quarter of Section 8 in Stewart Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-08, 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 tributary of the Sheyenne River in the Southeast Quarter of Section 8 in Stewart 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 North Half or the Southeast Quarter of Section 8 in Stewart 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. 2023-08 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 easements from the owners of the Northwest Quarter of Section 8 and the Southeast Quarter of Section 8 in Stewart Township to install and maintain tile components.
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. 2023-08, Applicant's downstream flow map, and the Barnes County Permit Form to the Department of Water Resources, Barnes Rural Water District, Scott and Kimberly Anderson, David Ludwig, 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.

Tomahawk Dam - update

Mike reported construction planned for June 2023, there was discussion with the contractor at the pre-construction meeting regarding snow melt and the amount of water that could be moving through this system.

Engineer Report

Mike had nothing else to report.

Legal Report

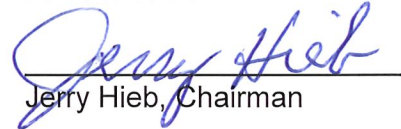
Sean reported on Legislative updates, he will keep the Board informed of any Action Items that come up.

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 10:39 a.m.

APPROVED:


Jerry Hieb, Chairman

ATTEST:


Heather Manson, Secretary-Treasurer

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

April 10th, 2023

PLEASE SIGN IN BELOW

Shawn Olson

BCC

Charles Wendel

Kathery ND

Kevin Assatis

via WebEx