

Barnes County Water Resource District  
PO Box 306  
Valley City, ND. 58072  
701-845-8508

## Minutes

01-09-2012

Barnes County Highway Department Conference Room

Present: Managers: Jeff McMillan, Pat Hurley, Duane Lettenmaier, John Kohler and Jerry Hieb  
Also present: See attached

The meeting was called to order by Pat Hurley at 9:00 AM.

The Barnes County Commission increased the board to a five member board. At a December Barnes County Commission meeting, John Kohler, Jerry Hieb and Jeff McMillan were appointed to the Board. John Kohler will serve a 3 year term that expires in 2015. Jerry Hieb will serve a 3 year term that will expire in 2015. Jeff McMillan will serve a 2 year term that expires in 2014.

Reorganization of the board was held. Hurley called for Chairman Nominations. Lettenmaier moved to cast a unanimous ballot for Jeff McMillan and to cease all other nominations for Chairman. Hieb seconded the motion. All were in favor. The motion carried. Jeff McMillan will serve as Chairman. McMillan called for nominations for Vice Chairman. Lettenmaier moved to nominate Pat Hurley as Vice Chairman and to cease all other nominations for the position. Hieb seconded the motion. All were in favor. The motion carried. Pat Hurley will serve as Vice Chairman of the Board.

Hurley moved to approve the minutes of the December 2011 regular meeting. Kohler seconded the motion. All were in favor. The motion carried. Lettenmaier moved to approve the Revenue and Expenditure reports. Hurley seconded the motion. All were in favor. The motion carried.

Discussion was held on the easement acquisition for the Sanborn Lake outlet. The Secretary reported that there were still flow easements that have not been signed. Managers will be personally contacting landowners to see if they have any questions or concerns. There was discussion on establishing a field access on the ¼ line in the S ½ of Section 34, Stewart Twp. This would allow the producers to cross and utilize the fields during periods when the outlet is

in use. Kohler moved to install a field access with a minimum of a 50' top width, on the ¼ line in the S ½ of Section 34 at the Board's expense. Lettenmaier seconded the motion. Chairman McMillan called for a roll call vote. The results are as follows; Lettenmaier-yes, Hurley- yes, Hieb- yes, Kohler- yes, and McMillan- yes. All were in favor. The motion carried. Discussion was held on culvert sizing for the crossing. No decision was made. Construction of the field access will be completed in the spring of 2012. McMillan reported that Allan Marlar will sign the easement but had some concerns about sediment build up in his stock pond. The Board will work with Mr. Marlar to resolve this issue. Todd Ingstad sent a letter regarding the flow easement for their portion of the water course. Mr. Ingstad indicated that the family was not interested in signing the easement because the water is already flowing.

Commissioner John Froelich presented to the Board a copy of the Barnes County Commission's resolution regarding Devils Lake Flooding. He requested that each member review the resolution, approve its adoption at the next regular meeting and send the District's support of the resolution to the State Water Commission.

Commissioner Froelich requested that the District proceed with a study/survey of the Sheyenne River to establish a basin line to detect erosion caused by the release of water from the Devils lake basin. Commissioner Froelich stated the County Commission has requested that the engineering firm KLJ prepare a scope of work. This scope of work was presented to each board member. The scope of work was reviewed. Discussion was held on the cost of the project and how it would affect the District's budget. Commissioner Froelich stated that the project would cost a maximum of \$45,750.00. He also mentioned that Commissioner Cindy Schewr had contacted the State Water Commission and found that there is cost share money available for the project. Froelich stated that the County Commission would pick up any difference left after receiving a State Water Commission cost share. Discussion was held. Kohler moved to take ownership of the River Bank encroachment study. Lettenmaier seconded the motion. Chairman McMillan called for a roll call vote. The results are as follows; Lettenmaier- yes, Hurley- yes, Hieb- yes, Kohler- yes and Mcmillan yes. All were in favor. The motion carried. The Secretary will meet with KLJ to prepare a cost share request to the SWC.

Chairman McMillan gave a report on his meeting with State and local officials regarding a possible controlled outlet project for 10 Mile Lake. McMillan reported that he met in mid December with the State NRCS Conservationist, the Chief of the Regulatory Commission from the State Water Commission, Moore Engineering and the NRCS District Conservationist for Barnes County. At this meeting they discussed the possibility of routing the outlet to the south. This proved not to be a viable option as there are many acres of wetlands that would require mitigation. Ultimately it was decided that a northern route would be a more feasible option

and have less impacts on wetlands. Moore Engineering will complete a study to determine the route and present this to the District. McMillan also stated that the State Water Commission reported to him that there were possible cost share dollars available for this if the project moves to development. Discussion was held on how long it would take to develop the project. McMillan reported that it could take two or more years.

Don Jorrison expressed concerns about adding additional drainage to the Legal Drain 2. Mr. Jorrison asked if a permit was obtained prior to the additional drainage. Hurley stated that the District is in the process of completing a redetermination of benefit for Legal Drain #2, and that a hearing would be scheduled for all persons affect by the redetermination. Discussion was held on the establishment of a operation and maintenance plan for the drain. The Secretary reported that a subcommittee had met and had established a plan that will be present at the annual Legal Drain #2 meeting in February.

Chairman McMillan asked for manager reports. The reports are as follows;

Hurley- No report, but welcomed new managers and expressed his gratitude for their willingness to serve.

Hieb- No report but had questions regarding procedures regarding complaints, permits and general District operations.

Kohler- No report, but had questions similar to Manager Hieb's.

Lettenmaier- Reported that he had a calm month. He worked on the re determination of Legal Drain #2, meet with the subcommittee regarding the establishment of Legal Drain #2 Maintenance and Drain operation plans. He also welcomed the new managers.

McMillan- Welcomed new managers and expressed his appreciation for their willingness to serve. McMillan also reported that he received a request for a recommendation on how to handle a issue between private landowners in the Martin's Landing Subdivision along Lake Ashtabula. Discussion was held. McMillan and Kohler will look at the area of dispute. It was the consensus of the board that a complaint will need to be signed prior to any action by the District.

The Board reviewed a State Water Commission Dam survey for the Kathryn and Clausen Springs Dams. Manager Hieb will complete a visual assessment of the Kathryn Dam and Report to the Secretary his findings. The survey for the Clausen Springs Dam was completed.

The Secretary asked for clarification on the closure of the illegal Ten Mile drain. The Secretary was instructed to notify the landowners in violation to complete the closure within 60 days of the receipt of the letter or it will be closed and the cost will be assessed to the property owner.

Discussion was held on the date of the regularly scheduled monthly meetings. The District's Attorney is unable to attend our currently scheduled meetings. The Secretary was instructed to ask which Tuesday worked best for his schedule. It was decided to address this issue at the next meeting.

Loyld Wieland from Sibley Trail Township had concerns over possible illegal drainage into "Moser Slough" located in Sibley Tail and Dazey townships. Mr. Wieland was advised that a complaint needed to be filed prior to any Board action.

The Secretary presented several inactive Subsurface Drain Tile applications. Hurley moved to deny the following applications due to their incompleteness and inactivity. Kohler seconded the motion. All were in favor. The motion carried.

#3539- Wade Bruns, NE ¼ Section 3, T142N R57W

#3527- Jurgen & Barbara Suhr, SW ¼, Section 24, T141N R57N

#3528- Jurgen & Barbare Suhr, SE ¼, Section 23, T141N R57W

#3541- Linda Losey, NE 1/4 & SE 1/4, Section 24, T141N R57W

#3540- Doris Burdik, SW ¼, Section 2, T141N R57W

#3692- Dennis Smith, East 60 acres of the NE 1/4, section 10 T140N R56W

#3564- Richard Winter, NE ¼ Section 23 T141N R57W

#3157- Jason Bonde, SW 1/4, Section 29 T137N R56W

#3167- Jack T. Bruns, SE ¼ Section 2, T140N R58W

Being no further business, Lettenmaier moved to adjourn. Hurley seconded the motion. All were in favor. The motion carried.

Respectfully submitted,

Jamie Smith  
Secretary