Barnes County Water Resource District

PO Box 306
Valley City, ND 58072

July 08, 2013

MEETING MINUTES

Present: Chairman Jerry Hieb, Manager Bruce Anderson, Manager Ken Evenson, Manager Shaun Olauson, Manager Bret Fehr, Sean Fredricks – Ohnstad Twichell, Mike Opat – Moore Engineering, Amanda Brandt – NRCS, Kurt Tompkins – Fish & Wildlife, & John Froelich – County Commissioner.

Also Present: See Attached List

Chairman Jerry Hieb called the meeting to order at 9:02 am.

Manager Ken Evenson made a motion to accept the June Minutes with a second from Manager Bruce Anderson. Motion approved.

NEW BUSINESS

Thordenskjold Advisory Board

Pat Hurley from the advisory board – showed a map and gave a report of recommendations for Thordenskjold Drain. They are as follows:

1) Install an additional 48" culvert in the Mike Storhoff driveway to accommodate for larger volumes of water.
2) Remove Tingley field crossing.
3) Begin cleanout in the south ½ of section 24, Thordenskjold Township. Start on the ¼ section line and clean northward as far as funds allow.

Suggested amount to spend for this maintenance request is $20,000.00

BC Water Resource Board will make arrangements for this work to be done.

Manager Anderson made a motion to accept the recommendations of the advisory board for the maintenance of Thordenskjold Drain up to maximum of $20,000 for this year. Manager Evenson seconded.
Motion was approved.

Fox Lake Complaint

Wes Elston came before the board with his complaint regarding Fox Lake and into which water shed it really drains into, James River or Sheyenne River Water Shed. Fox Lake has been flowing north and into Eckelson Lake, which is in the Sheyenne River Water Shed. Chairman Hieb also showed maps he got from James Lindseth (State Water Engineer). Mike Opat came forward to respond to some questions. Previous water board had gone out and looked at this situation and found water was so high at the time no culvert was seen. Duwayne Didier and William Gullickson came forward to look at the maps before the board. Elevations were discussed on both sides of the rail road tracks. Sean Fredricks brought up the Obstruction Complaint from Wes Elston at this time and wanted to clarify that the Water Resource District can only act on the complaint of obstruction at this time. Wes clarified that he was not accusing any one of obstruction. Wes just wants to get this water situation with Fox Lake remedied, as his holding pond for his feed lot is affected by the high water. Wes was told by James Lindseth (State Water Engineer) to file complaint to the water district so water district could act on Fox Lake problem. Sean said, for the water district to help with a solution to Fox Lake high water we need to have the complaint withdrawn. Discussion of a culvert at south end of Fox Lake, that runs under the rail road track, is blocked so the lake cannot flow south and into the James River Water Shed. But elevations may be a concern on south side of rail road tracks. Corp of Engineers did a hydrology study and found that Fox Lake does flow north into Sheyenne River, but that their study would not have showed any culvert in area. Kerry Johnson, Superintendent of Barnes County Highway Dept. was asked to come before the water district to

help answer questions regarding this culvert that is to be under the railroad tracks. Kerry said they have been trying to work with the railroad for the past two years and the railroad won't listen or respond. Kerry showed maps from 10 / 12 years ago they put in dike and lift station and equalizer pipe (culvert). Kerry has asked railroad for us to jet out obstruction in culvert, but railroad will not allow this to happen because it may hinder railroad base. Kerry thinks it may have already added to area slump and the railroad has dumped fill in area for support of tracks. Kerry is not sure if jetting out culvert would work with what may be in pipe. Three different areas to work on was brought up. 1 – Railroad needs to unplug equalization pipe or put in new culvert. 2 – Figure which water shed Fox Lake should be in. 3 – What can be done to help Wes Elston holding pond.

Discussion on what should the be next method of action. It seems that the culvert that is blocked is sufficient size to equalize Fox Lake. Sean made a suggestion that if Wes Elston withdraws his complaint then the Water Resource District can move ahead and ask Moore Engineering to do an assessment of the area and work with Kerry Johnson and come back at the August meeting with recommendations to take care of this situation. District can then order railroad to open culvert or to install a new culvert through assessment district process. Discussion also of 3 wetland areas north of Fox Lake could be affected and Amanda was not sure of amount of area, but will check it out. John Schwehr also informed district that if Fox Lake flows into Eckelson Lake that there is NO flow north now from Eckelson Lake. Wes Elston also thought it would be great to have an assessment district for Eckelson Lake and discussion of what the cost would be and what percent of landowners it would take.

Wes Elston will withdraw his complaint as long as the Water Resource District follows through with getting this problem in Fox Lake resolved.

Manager Ken Evenson made a motion for Moore Engineering to do an inspection report on the culvert obstruction in south Fox Lake. Manager Shaun Olauson seconded. Chairman Hieb called for a roll call vote: Ken Evenson – Yes; Shaun Olauson – Yes; Bret Fehr – Yes; Bruce Anderson – Yes; Chairman Jerry Hieb – Yes. Motion Approved.

Snag and Clean Complaint

Rose Boschee would like the district to take a look at taking out a couple of down trees along the Sheyenne River down by Woodland Park area. We could create a district cost share project with the State Water Commission at a 50% matching funds. This would be a winter project. Would be a way of creating a Snagging and Clearing District that does not need an assessment. County Commissioner and BC Water Resource District need to meet to create this program. Chairman Hieb will go talk with Rose Boschee regarding this compliant.

Kathryn Dam Maintenance

Mike brought before the district a proposal for Kathryn Dam on the Sheyenne River near Kathryn, ND. The structure of the dam is solid shape. There is erosion on both sides of the dam. This proposal gives you some cost estimates for the maintenance on the dam. Possibly use some of the material at Clausen Springs for this project. Chairman Jerry mentioned possibly taking out trees on west side and slope to river. Mike also mention that this estimated $10,000 would not include any GEO Technical work, if the engineers feel GEO work is needed, that would be an additional cost. States help with dam projects is 60/65% of project. Not sure if this project would be state fund okayed. State is reviewing their participation percent in prelim studies or design projects. Waiting for their answer. Mike is not sure if this would qualify for Red River joint funding either. At least if we get started with the preliminary work we could then check on cost share funding.

Manager Fehr made a motion to move ahead with the analysis for the Kathryn Dam Improvement Study. Manager Evenson seconded. Chairman Hieb called for a roll call vote: Manager Evenson – Yes; Manager Olauson – Yes; Manager Fehr – Yes; Manager Anderson – Yes; Chairman Hieb – Yes.
Motion Approved.

Drain Tile Application – Bruce Anderson

Bruce Anderson brought in a Drain Tile Application for cleaning up some surface tiles into Drain Tile under 80 acres. Pumping up to Bruce's own slough. Bruce will bring final application at next meeting.

Direct Linda to make an index of all drain tile requests for Permit and Non-Permit Applications.

OLD BUSINESS

10 Mile Lake – Paul Abrahamson

Paul Abrahamson has talked with Keith Weston, who is the Red River Basin Coordinator and he directed Paul to a web site that has about 44 different programs involving NRCS. The Water Shed Flood and Protection Program was the program that Paul thought would fill their needs. Water resource is tied into the Farm Bill, which has not been approved through Congress. Paul will be meeting with Keith Weston again in a couple of weeks. Any program requires a government sponsor, which would be this Water Resource District or County Commission. Paul and his committee's big concern is what could they do if we get an emergency situation, like in 2011. 10 – Mile Lake has dropped 4 feet since its high in 2011.

Hobart Lake

Darren Bjornson, with Columbia Grain, had an Emergency situation during the last heavy rain fall. Darren showed the district managers pictures of his emergency situation and these pictures were sent on the FEMA. FEMA also asked for information which Darren will get to FEMA by July 12. Darren now has installed 2 more culverts, one on either side of main culvert. These new culverts WILL have gates on them as soon as Darren goes to Fargo to get gates. Darren also asked

the district since all drainage was put back to original elevation that no legal ramifications would follow. Sean Fredricks reply was - *if Columbia Grain does need to use the gates, on new culverts, they have to have a State Permit.* Sean suggested a long term permit from State. Company would apply for a Surface drain permit from the state and then it would come to our Water Resource District where we would ultimately approve permit.

There was no time for Columbia Grain to ask for an Emergency Permit during the rain event of June 6, 2013.

Darren was told by his company to get documentation from Water Resource District abolishing Columbia Grain from any legal action. Only way we could do this is if Columbia Grain has a permit.

Mike Opat mentioned when the state looked at the Hobart Lake Project and the cost share impact, they looked at a permit as a State wide Significance Permit. With the FEMA application process so close to end, not sure what would be best way to proceed, as Darren does not want to mess up the permit protection process. Darren has spent $15 grand for this emergency project.

Sanborn Lake

Bruce had no other information on the Offner/Jorissen settlement. Sean had sent all the paper work to the attorneys and no response at this time. Sean will be in touch with their attorney's get there time line and let them know we need to have this by our next meeting in August.

Mike has bid process started and is talking to contractors, so we could get the best price for the work, but when he talked to Sean and Offner/Jorissen attorneys have not been in contact, he is giving contractors a little more time to get their numbers to Mike. Kurt Tompkins, Fish and Wildlife, has extended existing temporary permit to allow the district to complete construction of the crossing in 2013, prior to freeze-up.

Legal Drain #2

June 26, 2013

Field notes

Legal Drain #2-Restoration of wetlands, T140N R60W, N ½ of Section 2

Present: Jerry Hieb- BCWRD Chairman
Kurt Tompkins- USFWS
Amanda Brandt- NRCS District Conservationist
Scott Cummings- CR Excavating
CR Excavating employee- Rodney

All were present to restore the wetlands that were impacted in 2011 cleanout of Lateral Drain A. Lateral Drain A begins in the NE ¼ of Section 2, T140N R60W also including the NW ¼ of Section 2, T140N R60W; Thence through the N ½ of Section 1, T140N, R60W; Thence through the W ½ of Section 32, T141N R59W to Barnes County Legal Drain #2.

Wetlands were restored to NRCS expectations; however the area between the wetlands that was deepened could not be restored due to high water levels. This will need to be restored when water levels drop.

Submitted by:

Jamie Smith
Administrative Assistant II
Barnes County Highway Department

See attached map and 1971 Notice of Hearing

Jerry was at a meeting in Bismarck. The complaint that Griggs County had was dismissed. The State Water Commission recommends we have a 3 county joint water board (Barnes, Griggs and Stutsman). (Stutsman Chairman is very hard to work with). This board would take care of the water problems that flow from Stutsman thru Pierce twp (Barnes) & Griggs ending up in the Sheyenne River. If we didn't get a 3 county board set up maybe just a 2 county board, Barnes and Griggs. They recommend that 2 members from each of the water district,(Barnes, Griggs & Stutsman). Those 3 counties would hire someone to look over the 3 counties. And make recommendations for control structures or closing areas, etc. Board should also include a county commissioner from each county, they would have no voting rights, but there for informational purposes only. Jerry is looking for the okay to set up this board. Maybe the Chairman from each county commission could be on this board. Bret Fehr and Ken Evenson would be our representatives from BC Water Resource District. Sean Fredricks informed BC Water District that a Joint Board Agreement would have to be set up. This would be a separate political sub division. This board would take up some of the problems that the district boards don't have time to attend to.

To get this going we would have to file a Joint Board Agreement with the State Water Commission saying we want a sub division set up for these 3 counties. We would have to make sure all are insured. There are steps involved with this process. So the district can go ahead and endorse a concept today and get other counties together to get joint agreement made up for the August meeting.

Letter – Richard Monson

Richard sent a map/letter for the BC Water Resource District to be aware of what he is doing. This is just to inform the district that if he should forget to clean out inlet, that the board should have it cleaned out. County does have an easement for this pipe.

Harold Rotonda – CPA for Barnes County, has recommended that we close Water Resource District account at Bank Forward. Harold will come to the August meeting to explain the details.

LeRoy Triebold brought some **information** to the water district that he talked to Mayor Werkhoven as he was inspecting the airport area roads during the heavy rain on June 20th. Water was pretty deep going under the railroad bridge south and heading into VC down 9th Ave NW. Maybe something could be done with the present dike in the airport area and the city may want to come and talk to the water district.

Don Vig addressed the Water Resource District that he is very unsatisfied with the Sanborn Lake Project. Especially in NE part of Sec. 6 of Hobart Twp. Don was under the impression that the Sanborn project would help with the natural flow. The flow now is slow due to catail build up and prairie road in area. This needs maintenance. Inflow is greater than the out flow of the natural lake. Arvid Winkler brought up the crossing that will go in at Jorissen's. Will this affect the problem that Don is having. Mike Opat then informed district that this has been accounted in the crossing. Mike informed us that when the district restores Game and Fish area and dirt is pushed back, this could raise water in Don's area. Discussion as if that would really make any difference in water level. Don said that after pipe went in the level of lake in his area has been high. Discussion for different reasons for the higher water could be cattails, heavy rains. Right now Sanborn Lake is at about the same elevation as when the pipe went in. If we ever need to open Sanborn Lake Gate, we may or may not get an Emergency Permit from the state.

Chairman Hieb asked if anyone had any further business. No response.

BILLS

Chairman Hieb added a bill from CR Excavating for work down in Legal Drain 2. Manager Anderson made a motion to approve the bills as presented for payment. Manager Fehr seconded. Motion approved.

Manager Evenson moved to adjourn with Manager Olauson second. Motion approved.

Respectfully submitted

Linda McKenna – Secretary/Treasurer
Barnes County Water Resource District