

*Barnes County Water Resource District*

*PO Box 306*

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701-845-8508

August 12, 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, and John Froelich – County Commissioner.

Also Present: See Attached List

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

Manager Bruce Anderson made a motion to approve the minutes of the July meeting as amended. Manager Ken Evenson seconded motion. Motion Approved.

**New Business:**

Kelly Marler had talked to Jerry Hieb regarding a concern, from a water district meeting last year, that the sediment from Sanborn Lake would fill his stock pond and it did. Jerry has been trying, for 3 weeks or so, to find a contractor to take care of moving this sediment. If Kelly runs out of water, is it the fault of the water district? Jerry told Kelly if he found someone, to do the work, to go ahead and let water district know. Jerry just wanted to inform the district of Kelly Marler's situation.

**Legal Drian #2** – Cleaning is needed in Stewart Twp sections 29 & 30. (Water District is to line up this cleaning.) Balance in Legal Drain #2 account is about \$16,000. The advisory committee was planning to use some of this for the

cleaning request. Legal Drain #2 Advisory Board is looking into asking more in assessments for the maintenance of the drain. Assessments are currently set at \$1.50 /acre. Water District makes increases to the assessments, but district must review what maintenance is required to make any assessment changes. Linda was asked to send a letter to advisory board, Shawn Anderson, Scott Legge and Neil Amann, for Legal Drain 2 asking them what the maintenance requests are and the Water Resource District can make assessment increase according to residents in the assessment district.

**Drice Bridge** – Kerry Johnson from the Barnes County Highway Department, brought in some photos of the Drice Bridge area, on Baldhill Creek in Dazey Twp. BCHD has filled in behind the bridge supports, where the water has eroded ground away. On south side of bridge a sand bar has built up from erosion and will eventually effect the road. This build up has also changed the flow of the creek. Discussion of the area followed. Discussion about a state 319 program that could help with cost share for stabilization of the situation. Lori Frank should have more information on this 319 program.

**Eddy County** – Chairman Jerry shared information regarding the Warrick Dam, in Eddy County, asking if our Water Resource District wanted to assist in this project. (Letters were sent to other water districts also.) Dropped - no action was taken.

### **OLD BUSINESS:**

**10 Mile Lake** – Paul Abrahamson had a meeting on August 6<sup>th</sup>, (6 were present) regarding water level and impact of 10 Mile Lake. Keith Weston, Red River Water Basin coordinator was at this meeting to help navigate programs and minimize the strings attached to these programs. Primary focus was to get an emergency plan for 10 Mile Lake. No temporary emergency permits through NRCS are being issued any more. Keith did think there was a plan in place with NRCS, and will get back to Paul Abrahamson and his committee. Long range plans are what the committee needs to work on and get community involved. Keith was going to meet with Mike and get some cost figures in place, which would lead into a master plan. Keith thought there were some drainage maps & data before 1985,

that could come into play with elevations for 10-Mile Lake. Retention up and down stream are what the RRWB are interested in. One of the questions we need answered, is what the minimum elevation we could lower the lake to. If they get level low enough it could act as retention for its self, during wet times, up and down stream.

Paul asked water district what was the justification for Sanborn Lake and also Hobart Lake projects. Sanborn Lake Project was a Railroad project because trains would hit bridge on Highway 1. Hobart Lake was because the elevators were flooding and the cost ratio was the factor. Sean Fredricks stated that the State Engineer treats all permits with the same importance. There is no justification needed to get a State Permit.

Mike Opat said water has come in from the west, not sure if it is still that way. Two years ago 10 Mile was going in two directions. One was NE into Baldhill Creek, during high water and also going south.

Discussion of the Permit process through the state. Kurt Tomkins added they have 1/2 section easement and will work with Keith and Amanda to protect his interests. Also discussed was how to fund this project with bonds and security funds of landowners. Amanda informed water district that NRCS is not doing elevation levels for lakes, any more. Discussion of other ways to determine elevations were talked about. Amanda said it may be possible to get an average level from old maps at NRCS. Once you direct Mike to start the work, the district will want to keep it moving to get project done. Paul informed the water district, that all compliance issues need to be taken care of to move this project along. A formal compliance letter has to be sent to State and also NRCS, Fish & Wildlife.

Keith is to get legal path started with Mike Opat and to get the plan started with bond moneys and start the assessment process for 10 Mile Lake. Retention program for the lake needs to be in place also. Mike said significant numbers of retention components are in 10 Mile Lake and ultimately we need an elevation number. Retention components open up new funding areas including the RRWRD. Bruce asked if any private contractors could come in and use NRCS old maps. Amanda said yes, consultant would have to sign a waiver to use NRCS

maps. Contractor would at least have an idea of the elevations at 10 Mile Lake. At least this might give landowners the option to go ahead with permit process and get funding. Topography maps can be obtained through many avenues and Kurt Tomkins said he would have some that would be available. Paul has an idea of what they need to do next.

## **FOX LAKE**

Kerry Johnson has been in touch with Mike Staven, rep from American Enterprises. Railroad people and Mike are working on getting the Jet Way machine here, after whatever project it is on right now. Hope to get it started this week. We are concerned about the adverse effect this will have on Eckelson Lake. Manager Bruce Anderson flew over Fox Lake and the drainage areas, on July 26, and took pictures for the board. Wes Elston and Manager Bruce, also got together, and checked out the area of Fox Lake and Eckelson Lake. In 2011, Wes Elstons lagoon system, for this feed lot, and a couple of township roads were all threatened with the high water. Land owners gave permission for culverts to be installed in certain roads that were affected. Equalizing this area with the opening of the RR culvert will only make a difference in inches for Fox Lake. BC Water Resource District has to take some steps to make sure this level of Fox Lake does not compromise Elstons feed lot lagoon. The water district needs to find out which direction Fox Lake is to flow. If it is south, there is some work to be done on the lower lakes or ponds to get them to flow into James River water shed. Fox Lake does look like it flows north towards Eckelson Lake from the air. After equalization of the railroad culvert, Mike Opatz could maybe do some elevation shots and give us more of a direction and with input from NRCS, Fish & Wildlife, we can make some headway on Fox Lake drainage. BCWRD meeting in September we hope to have an update.

## **SANBORN LAKE**

Sean Fredricks had sent letters to Offner and Jorissens attorneys. Sean has not received any reply, as of this meeting. It was brought up why the district has not started on the crossing for Jorissens and filling in the Fish & Wildlife area for the Offners. Our proposal sent to attorneys, had these stipulations in the agreement

and we had to have the agreement signed and then progress would move on. Fred Offner responded that he would not sign anything till the Fish & Wildlife area was restored, as promised, and his ditch restored. Fred said that he would get into trouble (NRCS & F & W) if he signed the easement. The purpose of the easements is for the BC Water Resource District to get the Permit process completed and for maintenance of the Sanborn drain. This was explained to Mr. Offner, that the water district needs easement signed so we could get this work done before freeze up and if money is an object, let's talk. Chairman Hieb feels this Sanborn Lake Project will never become a legal drain, from start of the culvert to the Sheyenne River and we should put back area the way it was and be done with the project. Offner and Jorissen do not have to sign the easement then and we can sit down and work out loss for damages.

Sean Fredricks brought up the agreement with BNSF Railroad. Chairman Hieb had gone over the agreement and found the agreement was with BNSF Railroad and the BC Water Resource District. BC Water Resource District will live up to the agreement to take care of Sanborn Lake level, but do to other extenuating circumstances the district cannot finish the drain project. If something should come about in the future, where we have to drain the lake, then we will apply for an emergency permit from the state and not use Mr. Offner's property as drainage. Chairman Hieb stated again, *That if we return the Offner and Jorissen land to the way it was and leave drain closed and locked, this will take care of any easement signatures needed.* If we need to set up another Water District meeting to get this finalized, that could be arranged. Sean Fredricks asked if he should notify attorneys, for both Offners and Jorissens, informing them that BCWRD wants to return all property back to its previous condition and come to a damage agreement. Mike Opat said that no cost amount for this "return to previous condition" project has been looked at. Commissioner Froelich commented that maybe cost amount should be looked into before we go further. Fred Offner said that Walter Jorissen was in agreement with him (Offner) on settling this drainage project. BCWRD discussed what the agreement said that is pending through their attorney's. It was noted that approximately \$55,000.00 for the crossing work alone for Jorissen's property.

Another possibility is to just fill in wet land and let the Offners and Jorissens sue the water district for damages.

After discussion of what if's and what didn't get done, our effort to get a legal permit for this project is over. Signed easements are in BCWRD – Sanborn Lake file. The only easements not signed are Marlers, Schlotman(new owners), Pet Paulson, Offners and Jorissen.

BCWRD is trying to get photos, of what the land looked like before the outlet work was started, from Houston Engineering group has not returned calls, as of this meeting. Water District is in full agreement to just get moving on the fill for Fish & Wildlife. Finding someone to do the work is the hold up now. Shelly Nelson – BCSCD gave Chairman Hieb a contractors name to contact. This contractor has done work for her office. Fred Offner offered to talk to Walter Jorissen and get an answer for the water district by tomorrow. Fred wanted Sean to write down the questions he was to take to Walter Jorissen. Anyone else that needs contacting, the Water District will contact. BCWRD will decide if another meeting is necessary.

#### **THORDENSKJOLD DRAIN UPDATE**

Manager Anderson had talked to Scott Cummings to do the maintenance work for the drain. Scott is tied up with another project right now. Scott needs to wait till the crop is off the fields anyway, because the right of ways are so narrow.

#### **CLEANING AND SNAGGING**

Jerry had talked to Rose Boschee. The large trees are down a 10 ft. embankment along the river. We need to go through State Water Commission and apply for cost share funds available at a percentage amount. BCWRD needs to keep this in mind for a winter project. Maybe put on November agenda for discussion and action.

#### **KATHRYN DAM PROJECT**

Mike Opat informed the water district he and his crew had been out to the dam and will be putting together some information for the September meeting. Mike

had been down to Clausen Springs to check out rip/rap sitting along the fence. This was left over from the spillway fill during the emergency. The rock is mixed in with dirt, but could be cleaned up and used for the Kathryn Dam project. This rock belongs to the water district. Commissioner Knutson reminded the district that the road at Clausen has just been redone and if you use the rip/rap rock, Dennis Helland has allowed us to use his land for getting rocks out of Clausen Springs. Manager Anderson asked Mike, if the Red River Joint Board would help share the cost for Kathryn Dam project. Mike tried to convince the RRJ board there was a certain amount of retention, but was informed they only help cost share on a retention component dam.

### **HOBART LAKE UPDATE**

Mike Opat informed the district that FEMA contacted his firm and will be funding for Hobart Lake, no further info except that it will be done in 2 phases.

Phase one is to go through costs of application process, environmental costs and design and hydraulic studies. They will go over these costs and make sure we pass all these hurdles. Mike says we have already done phase one, and is hoping that this is just paper shuffle for the project.

Phase two is the construction of the project.

Bottom line is they want it broken into phases and time share costs. Mike has been working on this for the past week and is hoping to keep project moving. Mike informed the district he has submitted a bill from Moore Engineering just to get into the system so he can submit to FEMA.

Manager Anderson asked Mike what the final route for the project was. Route is north across from the section line and around the bunkers'. Mike went on to talk about cost share requests and time lines that have to be sent to FEMA. Sean and Mike were working with Linda to send a letter to Red River Joint Board informing them of this project. They agreed to process this project and help cover certain costs. September meeting Mike and Sean should have more information on the progress of this project.

## **2014 BUDGET**

Chairman Hieb led discussion on budget figures, he put together, for the district to look at this meeting. Our income is 4 mills from the county. The County Commission will back any projects that are above what the water district has budgeted. Jerry, Ken and Linda will meet with Commission on budget proposal.

## **BILLS**

Discussion of the monthly bills. Ken Evenson made a motion to approve \$2,849.16 for the monthly bills. Shawn Olauson seconded motion. Motion Approved.

## **JOINT BOARD**

Barnes County Water Resource District and the Griggs County Water Resource District are considering a joint board. This board will consist of two water board reps and commission chairs of Griggs and Barnes County. It was not clear if Stutsman County would participate in this joint board. There is a section line that was vacated between Griggs county line and Pierce Township in Barnes County. Managers Bret Fehr and Ken Evenson will represent BCWRD on this board. This joint meeting will take place later today.

Bruce Anderson made a motion to adjourn the BC Water Resource District at 12:20 pm. Bret seconded motion. Motion approved.

Respectfully submitted,

Linda McKenna – Secretary/Treasurer  
BC Water Resource District