

## ***Barnes County Water Resource District***

*PO Box 306*

*Valley City, ND 58072*

701-845-8508

August 8, 2016

### **MEETING MINUTES**

**Members Present:** Chairman Jerry Hieb, Manager Bruce Anderson, Manager Sean Olauson, Manager Jorissen, Manager Fehr, Sean Fredricks – Ohnstad Twichell & Mike Opat – Moore Engineering,

Also Present: See Attached List

Chairman Hieb called the meeting to order.

Manager Anderson made a motion to approve the July Minutes as corrected. Manager Olauson second. Motion approved.

#### **OLD BUSINESS**

**Pross Complaint** – Manager Jorissen had talked with Harold Pross regarding his complaint and getting the block removed. Manager Olauson made a motion to contact Wade Klubben to remove block when he can schedule it. Manager Jorissen second. Approved with a roll call vote.

**Anderson, Harstad & Legge Complaints** – Manager Anderson led discussion on these complaints. Alliance Pipeline will be locating depth of dirt this week and will let Manager Anderson know. District is questioning if there is an obstruction or if natural buildup. Table till September meeting.

**Shanenko/Albert Wittenberg Complaint** – Mike Opat explained the permit information that was received. Discussion followed. District needs to determine adverse effects downstream, if not, notify down stream parties, conduct a hearing at the next WRD meeting in September. Manager Olauson made a motion that Preliminary findings have no adverse impact and ask Sean Fredricks to set up a hearing for, 9:30 am during the September regular meeting and invite all landowners involved. Manager Fehr second. Motion approved with a roll call vote.

Albert had questions regarding the north end of this area. Townships of Getchell and Ashtabula need to give written permission for Mr. Wittenberg to have a Texas Crossing.

**Shanenko/Shawn Wittenberg** – Sean Fredricks will send an email to Mr. Wittenberg’s attorney to get this block out by the September WRD.

### **Snagging & Clearing**

The Board next discussed the status of the 2015 and 2016 snagging and clearing districts. The Board and the County jointly created a snagging and clearing district in 2015 in accordance with N.D. Cent. Code § 61-16.1-09.1, but the Board did not ultimately certify assessments to the County. The Board has paid its expenses for winter 2015-16 snagging and clearing out of the Water Board’s general fund.

With regard to the Board’s creation of a 2016 snagging and clearing district (for winter 2016-17 operations), the BCWRD had approved the creation but the Commission had not approved.

Commissioner Froelich indicated the County’s preference that the Board not assess or create snagging and clearing districts for purposes of collecting revenues to fund Sheyenne River snagging and clearing operations. Instead, the County has proposed that the Board negate the 2015 district (refrain from assessing for the

2015 district) and, instead, pay those expenses out of its general fund. For purposes of 2016-17 winter operations, and all future Sheyenne snagging and clearing operations, Commissioner Froelich indicated the County has committed to paying half of annual operations up to a maximum of \$50,000; the County will either pay the Board for its share from the County's funds or the County will approve one extra mill for the water resource district (since the Board currently pays its 60% of 2-mill obligation to the Red River Joint WRD out of the Board's 4 mills).

Manager Anderson moved to negate the creation of the 2015 Sheyenne Snagging and Clearing district, to refrain from collecting any assessments regarding 2015-16 snagging and clearing, and to accept the County's proposal regarding all future snagging and clearing operations of County 50% cost-share up to a maximum of \$50,000 for snagging and clearing in any year. Manager Jorissen seconded the motion. On roll call vote, the motion carried unanimously.

Linda will send the State Water Commission copies of all invoices paid regarding 2015-16 snagging and clearing, including Industrial Builders invoices. Linda will notify her successor that the Board is awaiting cost-share from the State Water Commission and her successor's obligation to monitor SWC cost-share.

**Thordenskjold Drain** - Manager Anderson updated managers on the work done by Scott Cummings, regarding the 3 culverts and other work for the drain. Mike Opat reported on the hydraulic effect and the USGS has new guide lines. The culvert replacement project on CR 38E for BC Highway Dept. and the BCWRD to share the cost was discussed. BCWRD is responsible for 60% of cost as it is in a legal drain. Manager Fehr made a motion to go ahead with the culvert replacement project with the BCHD at a 60/40 cost share and a 60" squashed culvert. Manager Anderson second. Motion approved with a roll call vote.

Kerry Johnson will be notified of the district's decision.

**Hobart Lake** - Mike Opat is working on getting bids out for construction. Legal descriptions have been obtained and Josh and Mike will be going over them and get off to Sean Fredricks, for purchase agreements to be made up. Sean Fredricks went over, with the managers, written comments that Larry Miller & others, brought to the July meeting.

**Little Dam** –Discussion about turning the ownership of the Little Dam over to the City of Valley City to possibly work into their flood control program. Decided to wait till after Mayor Election and then attend a city commission meeting.

**Kathryn Dam** – Discussion to leave dam in or take out completely. State Cost share will not be at 75% if we use the terrace rock effect (option #3). The state will fund Construction at a smaller percentage, as this would be considered recreation facility and state funding is considerably less. Commissioner Froelich suggested going with the Option for \$224,000. Chairman Hieb suggested to have Moore Engineering look into a plan to leave Kathryn Dam in place and fix obvious problems. Manager Olauson made a motion to have Mike Opat order Safety Signs for VC Little Dam and Kathryn Dam. Manager Jorissen second. Motion approved with a roll call vote.

**Ten Mile Lake** - Paul Abrahamson said level of lake was 1431.6 as of July 29, 2016. Paul & Dale are still working on contacting landowners regarding 1026 paper work and about expanding area to the south of Ten Mile. Cost Share is into the state.

**Joint Griggs/Barnes WRD** - no update for this meeting.

## NEWS BUSINESS

### **Application to Install a Subsurface Drain for Jason Haugen and Tony Haugen in Section 7 of Dazey Township**

The Board reviewed an *Application to Install a Subsurface Drain* dated July 21, 2016, for Applicants Tony Haugen and Jason Haugen. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the “statewide” elements, and the Board concluded therefore the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer’s Office to consider and approve). Under the application, Applicants seek to install a drain tile system regarding 120 acres in Section 7 in Dazey Township, Barnes County, North Dakota. The project

will include a single gravity outlet that will discharge directly into a natural watercourse in the Northeast Quarter of Section 7.

Mike Opat, the Board's engineer reviewed the application and indicated the project will discharge directly into a natural watercourse. The Board indicated the project could result in adverse impacts downstream of the discharge into the natural channel and, with that in mind, the Board will require Applicants to install and maintain erosion protection in the natural watercourse. Because the proposed project will discharge directly into a natural watercourse, the application did not require a *Thirty-Day Notice* under N.D. Cent. Code Section 61-32-03.1, and the Board cannot require Applicants to obtain any flowage easements from downstream landowners.

According to records on file with the Barnes County Recorder's Office, Tony and Corrine Haugen own all of Section 7 in Dazey Township, less highway right of way.

Manager Fehr moved, and Manager Jorissen seconded the motion, to approve *Application to Install a Subsurface Drain* dated July 21, 2016, for Tony Haugen and Jason Haugen in Section 7 in Dazey Township, subject to the following conditions:

- 1) That Applicants obtain easements from the owner of any land, besides land owned by Applicants, on which Applicants will construct the tile system;
- 2) That Applicants provide and maintain adequate erosion protection at any and all outlets into the natural watercourse in the Northeast Quarter of Section 7 of Dazey Township;
- 3) That Applicants notify the Barnes County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicants notify the Barnes County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 5) That Applicants must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Board; and

6) That Applicants 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.

Upon roll call vote, the motion carried unanimously.

**Dan Hovde Complaint** – Manager Olauson made a motion to have Chad Engls and Mike Opat investigate (8-19-16) this complaint and report at the September WRD Meeting. Manager Fehr second. Approved with a roll call vote.

**Bruce Anderson Drain Tile App** – Information for the district he will be tiling under 80 acres. No permit needed. NRCS has approved.

**Bills** - Manager Anderson made a motion to pay the July bills of \$5,676.96. Manager Fehr second. Motion approved with a roll call vote.

Adjourned 11:15 am.

Respectfully submitted,

Linda McKenna  
Secretary  
BC Water Resource District