

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

DRAFT MINUTES

Meeting Minutes
April 14th, 2025 – 9:00 AM

MEMBERS PRESENT: Chairman – Jerry Hieb, Managers – Bruce Anderson, Bret Fehr, Scott Legge, Perry Schlagel; Shawn Olauson – Barnes County Commissioner.

OTHERS PRESENT: Mike Opat – Houston Engineering; Sean Fredricks – Ohnstad Twichell; see attached list.

Chairman Hieb called the meeting to order at 9:00 a.m.

Manager Legge moved to approve the minutes from the March 10th, 2025, meeting and the Thordenskjold Drain Informational meeting March 10th, 2025. Manager Anderson seconded the motion. Upon voice vote, the motion carried unanimously.

Manager Legge moved to approve the bills as presented. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

OLD BUSSINESS

VC Little Dam

Mike gave a brief update regarding Comstock finishing the cleanup process sometime in May with the third pay application to be submitted for payment. Cost-Share reimbursement funds have been received by the board.

NRCS-RCPP : Ten Mile Lake

Mike gave a legislative update. Project on hold.

Thordenskjold Drain

Discussion was held on the next landowner informational meeting.

Clausen Springs Dam

Trademark to hire a sub-contractor to put trash rack in. Cara informed the board that the observer from the Highway Department will be Jamie Smith.

Sheyenne River Bank Stabilization Study

Mike informed of the recent Upper Sheyenne meeting and the Sheyenne River joint board meeting. More information at a later date.

Svea Drain

No update at this time.

Cornell 80 Project

Mike gave brief update.

Sheyenne River Snagging and Clearing

The board asked Cara to close this out and let the County Commission and State Water Commission know it is complete.

Hobart Lake

Manager Anderson informed he had opened the outlet and had closed it due to the water quality testing over 450 parts per million indicating to close the outlet.

Dam Inventory

Mike discussed task order number 6 for the Brown Dam Feasibility Study. Manager Legge moved to approve the cost-share. Manager Anderson seconded the motion. Upon roll call vote the motion carried unanimously. Manager Legge motioned to approve the proposed task order number 6 as presented. Manager Fehr seconded the motion. Upon roll call vote the motion carried unanimously.

Sanborn Lake Outlet

Manager Anderson informed that the water level is currently unknown due to the gauges not in place at this time. A landowner informed the board of a beaver dam. Discussion was held with no motion being made.

Hansen/Hurley Complaint

No update.

NEW BUSINESS**Drain Tile Application – Aaron Larson**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-03* filed March 18, 2025, by Applicant Aaron Larson. Under the Application, Applicant seeks to install a 230-acre drain tile system in the West Half of Section 13 and the Northeast Quarter of Section 24 in Weimer Township, Barnes County, North Dakota. The portion of the project in the Northeast Quarter of Section 24 will connect to the remainder of

the project in the West Half of Section 13 via a pipeline that will run diagonally to the northwest under 27th Street SE to the Southwest Quarter of Section 13. The project will include a single pump outlet located near the north boundary of the Northwest Quarter of Section 13, in the south road ditch along 26th Street SE; the pump will discharge directly into a USGS blue line natural watercourse that flows to the north.

According to Barnes County records, Aaron and Stacie Larson own the West Half of Section 13 and the Northeast Quarter of Section 24 in Weimer Township, where Applicant intends to install the tile system. Because the project will discharge directly into a blue line natural watercourse, no downstream notices are required under N.D. Cent. Code § 61-32-03.1.

Manager Fehr moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-03* filed March 18, 2025, for Aaron Larson in the West Half of Section 13 and the Northeast Quarter of Section 24 in Weimer Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-03, 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 Northwest Quarter of Section 13 in Weimer Township.
3. Applicant will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Barnes County Water Resource District.
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 West Half of Section 13 or the Northeast Quarter of Section 24 in Weimer Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
5. Applicant will apply for an amendment to Subsurface Water Management Permit No. 2025-03 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 Board 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 recommends that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the Weimer Township Board of Township Supervisors to install any project components in the Township's 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.

The Board will provide copies of the Board's Notice of Decision, Subsurface Water Management Permit No. 2025-03, and the Barnes County Drainage/Ditch Cleaning Permit Application to the Department of Water Resources, Weimer Township, and Barnes Rural Water District. Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Drain Tile Application – John Anderson

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-04* filed April 1, 2025, by Applicant John Anderson. Under the Application, Applicant seeks to install a 116-acre drain tile system in the Southeast Quarter of Section 22 in Cuba Township, Barnes County, North Dakota. The project will include a single pump outlet located near the south boundary of the Southeast Quarter of Section 22, near the north road ditch along 40th Street SE; the discharge will flow south, through an existing culvert under 40th Street. The discharge will flow into a wetland in the Northeast Quarter of Section 27, designated by the National Wetland Inventory; the discharge will flow through the wetland into a USGS blue line natural watercourse.

According to Barnes County records, John Anderson owns the Southeast Quarter of Section 22 in Cuba Township, where Applicant intends to install the tile system. With regard to downstream landowners, Nickolai Holm owns the Northeast Quarter of Section 27 in Cuba Township. Because the tile discharge will flow into a blue line natural watercourse, no additional downstream notices are required under N.D. Cent. Code § 61-32-03.1.

Manager Fehr moved, and Manager Anderson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-04* filed April 1, 2025, for John Anderson in the Southeast Quarter of Section 22 in Cuba Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-04, 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 Cuba Township's road right of way.
3. Applicant will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Barnes County Water Resource District.
4. 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 USGS blue line natural watercourse in the Northeast Quarter of Section 27 in Cuba Township, in accordance with N.D. Cent. Code § 61-32-03.1.

5. 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 Southeast Quarter of Section 22 in Cuba Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
6. Applicant will apply for an amendment to Subsurface Water Management Permit No. 2025-04 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.

With regard to condition #4, 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 downstream landowners or road authorities that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring, all in accordance with N.D. Cent. Code § 61-32-03.1.

Under Section 61-32-03.1, the Board 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 recommends that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the Cuba Township Board of Township Supervisors to discharge into or otherwise utilize any of the Township's 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.

The Board will provide copies of the Board's Notice of Decision, Subsurface Water Management Permit No. 2025-04, and the Barnes County Drainage/Ditch Cleaning Permit Application to the Department of Water Resources, Cuba Township, John and Jennifer Kohler, and Barnes Rural Water District. Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Drain Tile Application – Devin Weber

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-05* filed April 9, 2025, by Applicant Devin Weber. Under the Application, Applicant seeks to install a 247-acre drain tile system in the East Half and the Southwest Quarter of Section 35 and the South Half of Section 36 in Noltimier Township, Barnes County, North Dakota. Mr. Weber seeks to add additional acres to a tile system permitted by the Barnes County Water Resource District in 2020 for Mr. Fred Schroeder, Subsurface Water Management Permit No. 2020-07. The portion of the system in Section 35 will connect to the system in the South Half of Section 36 via a pipeline under 125th Avenue SE. The project will

include two gravity outlets. The first outlet will be along the east line of the Northeast Quarter of the Southeast Quarter of Section 36; the outlet will discharge into a natural watercourse, as that term is defined under N.D. Cent. Code § 61-01-06; the watercourse is also a USGS blue line natural watercourse. The watercourse flows to the east, then to the southeast, across the Southwest Quarter of Section 31 in Weimer Township.

The second gravity outlet will discharge via a pipeline commencing along the south boundary of the Southeast Quarter of Section 36 in Noltimier Township; the pipeline will run to the east, in the north road ditch along 30th Street and under 126th Avenue SE; the pipeline will continue east, in the north road ditch along 30th Street, along a portion of the south boundary of the Southwest Quarter of Section 31 in Weimer Township; the pipeline will then run diagonally to the southeast, under 30th Street, and will daylight in the south road ditch along 30th Street, in the northwest corner of the Northwest Quarter of Section 1 of Alta Township; the outlet will discharge and flow east, in the south road ditch, along the north boundary of the Northwest Quarter of Section 1, until flowing into the same natural watercourse.

According to Barnes County records, with regard to the land Applicant intends to tile, WFFP LLLP owns the Southeast Quarter and the East Half of the Southwest Quarter of Section 35 in Noltimier Township; Wade and Sandra Bruns own the Northeast Quarter of Section 35; and the Darrell and Rebecca Schroeder Land Partnership LLLP owns the South Half of Section 36 in Noltimier Township. With regard to the land where Applicant intends to install the pipeline for the second gravity outlet, the Maynard and Jeanette Satrom LLLP owns the Southwest Quarter of Section 31 in Weimer Township; and Jon and Andrea Richman own the Northwest Quarter of Section 1 in Alta Township. With regard to downstream properties, Jon and Andrea Richman own the Northwest Quarter of Section 1 in Alta Township. Otherwise, the tile discharge will flow into a USGS blue line natural watercourse and, therefore, no additional downstream notices are required under N.D. Cent. Code § 61-32-03.1.

Manager Anderson moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-05* filed April 9, 2025, for Devin Weber in the East Half and the Southwest Quarter of Section 35 and the South Half of Section 36 in Noltimier Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-05, 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 Alta Township's road right of way.

3. Applicant will install and maintain erosion protection at any and all outlets into the natural watercourse in the Southeast Quarter of Section 36 in Noltimier Township.
4. With regard to the second outlet, 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 Northwest Quarter of Section 1 in Alta Township, in accordance with N.D. Cent. Code § 61-32-03.1.
5. 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 and the Southwest Quarter of Section 35 or in the South Half of Section 36 in Noltimier Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
6. Applicant will apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT No. 2025-05 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.

With regard to condition #4, 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 downstream landowners or road authorities that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring, all in accordance with N.D. Cent. Code § 61-32-03.1.

Under Section 61-32-03.1, the Board 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 recommends that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the Alta Township Board of Township Supervisors to discharge into any of the Township's right of way.
2. The Board recommends that Applicant obtain written consent from the Alta Township Board of Township Supervisors, the Noltimier Township Board of Township Supervisors, and the Weimer Township Board of Township Supervisors to install any pipelines or other project components within any of the Townships' respective right of way.
3. The Board recommends that Applicant obtain and record easements from the owners of any land not owned by Applicant where Applicant intends to install tile or other project components.

4. 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.

The Board will provide copies of the Board's Notice of Decision, Subsurface Water Management Permit No. 2025-05, downstream flow map, and the Barnes County Drainage/Ditch Cleaning Permit Application to the Department of Water Resources, Noltimier Township, Alta Township, Weimer Township, WFFP LLLP, Wade and Sandra Bruns, Darrell and Rebecca Schroeder Land Partnership LLLP, Maynard and Jeanette Satrom LLLP, Jon and Andrea Richman, and Barnes Rural Water District. Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Drain Tile Application – John Triebold and Anthony Thilmony

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-06* filed April 9, 2025, by Applicants John Triebold and Anthony Thilmony. Under the Application, Applicants seek to install a 469-acre drain tile system in Section 36 and the South Half of Section 25 in Valley Township, Barnes County, North Dakota. The project in Section 36 will connect to the portions of the system in the South Half of Section 25 via lines under 35th Street SE. The project will include two gravity outlets, one in the Southwest Quarter of Section 25 and one in the Southeast Quarter of Section 25; both gravity outlets will discharge directly into wetlands identified on the National Wetland Inventory.

According to Barnes County records, John and Susan Triebold own the North Half and the Southwest Quarter of Section 36 in Valley Township; Gassman Living Trust owns the Southeast Quarter of Section 36; and Bertram Farm LLLP owns the South Half of Section 25 in Valley Township. Because the project will discharge into a wetland or slough, no downstream notices are required under N.D. Cent. Code § 61-32-03.1.

Manager Fehr moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-06* filed April 9, 2025, for John Triebold and Anthony Thilmony in Section 36 and the South Half of Section 25 in Valley Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 202504, subject to the following conditions:

1. Applicants will re-establish any areas disturbed installing or maintaining Applicants' tile system.
2. Applicants will install and maintain erosion protection at any and all outlets into the wetland or slough in the South Half of Section 25 in Valley Township.

3. Applicants will not install Applicants' tile system within 20 feet, on either side, of any rural water lines Barnes Rural Water District has in Section 36 or in the South Half of Section 25 in Valley Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
4. Applicants will apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT No. 2025-06 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 Board cannot attach any additional conditions to Applicants' permit. However, for Applicants' protection, and to ensure protection of Applicants' tile system, the Board recommends that Applicants comply with the following:

1. The Board recommends that Applicants obtain written consent from the Valley Township Board of Township Supervisors to install any tile lines or other project components in any of the Township's right of way.
2. The Board recommends that Applicants obtain and record easements from the owners of any land not owned by Applicants where Applicants intend to install tile or other project components.
3. The Board recommends 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.

The Board will provide copies of the Board's Notice of Decision, Subsurface Water Management Permit No. 2025-06, and the Barnes County Drainage/Ditch Cleaning Permit Application to the Department of Water Resources, Valley Township, Gassman Living Trust, Bertram Farm LLLP, and Barnes Rural Water District. Applicants' detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Water-Related complaint – Oriska Township

The board directed Cara to invite the Oriska township board members to the May meeting to get more information.

NDDOT Drainage Request – Todd Porter

Sean explained NDDOT's REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY regarding Todd Porters drain tile application that was approved at the Board's March meeting. Under

NDDOT's federal highway rules, NDDOT must obtain WRD approval for any drainage activities in NDDOT right of way. Sean prepared a cover letter to NDDOT that indicates the Board approved NDDOT's form but also indicating the Board only has jurisdiction over drain tile under North Dakota's tile statute. Manager Fehr moved to approve the Todd Porter's NDDOT REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY, to authorize Secretary-Treasurer Didier to sign the form, and to direct Secretary-Treasurer Didier to provide the signed form to NDDOT along with the cover letter Sean prepared. Manager Schlagel seconded the motion. Upon roll call vote the motion carried unanimously.

Scott Bartz -Dam in SE ¼ of Section 2 – Hobart Township

Scott Bartz approached the board inquiring about information to get funding to do work on the privately owned dam on his property.

Engineer Report

Nothing more to be added.

Legal Report

Sean gave a brief update on the legislative session.

With nothing more to be discussed the meeting was adjourned at 10:21 a.m.

APPROVED:

By: _____
Jerry Hieb, Chair

ATTEST:

Cara Didier
Secretary-Treasurer