

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

Meeting Minutes

March 10th, 2025 – 9:00 AM

MEMBERS PRESENT: Chairman – Jerry Hieb, Managers – Bruce Anderson, Bret Fehr, Scott Legge, Perry Schlagel.

OTHERS PRESENT: Shawn Olauson – Barnes County Commissioner; 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 February 10th, 2025, meeting. Manager Schlagel seconded the motion. Upon voice vote, the motion carried unanimously.

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

OLD BUSSINESS

VC Little Dam

Mike discussed cost-share reimbursement from the State Water Commission. Manager Legge moved to direct Cara to notify the State Water Commission of the Board's decision to de-obligate remaining cost-share funds for the pre-construction phase. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

NRCS-RCPP: Ten Mile Lake

No update at this time.

Thordenskjold Drain

An information meeting to be held at the Nome Schoolhouse after this meeting.

Clausen Springs Dam

Cara informed the board that the Kathryn Fire Department had chosen their observer to be William Foster, the Highway Department hasn't decided at this time. No update from Trademark on the trash rack.

Sheyenne River Bank Stabilization Study

Mike gave an update from the Sheyenne Joint board meeting.

Svea Drain

No update at this time.

Cornell 80 Project

No update at this time.

Sheyenne River Snagging and Clearing

Due to weather conditions Industrial Builders, Inc., was unable to complete the full length of the project. The Board will consider the possibility of engaging IBI again next year.

Hobart Lake

Manager Anderson to open the outlet pending water quality tests to be conducted by Minnesota Valley Testing.

Dam Inventory

Mike discussed the top priority list of dams and gave options on next steps. Brown Dam is a low-head dam on the Sheyenne. The State Water Commission provides cost-share to eliminate the hydraulic roller effect on the downstream side of these low-head dams. Mike also mentioned options for funding the local share, including use of general funds and possible creation of a federal assessment district. Manager Anderson moved to direct Houston Engineering to apply for SWC cost-share for a feasibility study regarding Brown Dam. Manager Legge seconded the motion. Upon roll call vote the motion carried unanimously.

Sanborn Lake Outlet

No update at this time.

NEW BUSINESS

Drain Tile Application – Todd Porter

Application to Install a Subsurface Water Management System No. 2025-01 for Todd Porter in the Northwest Quarter of Section 24 in Edna Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-01* filed February 25, 2025, by Applicant Todd Porter. Under the Application, Applicant seeks to install a 135-acre drain tile system in the Northwest Quarter of Section 24 in Edna Township, Barnes County, North Dakota. The project will include a single pump outlet located near the south boundary of the Northwest Quarter of Section 24; the pump will discharge into a private drain permitted under SURFACE DRAIN PERMIT No. 5957, approved by the Board for Dale Jorissen on June 13, 2022. The private drain runs to the south, across

the Southwest Quarter of Section 24; the private drain then runs under North Dakota Highway 9 and continues south across the Northwest Quarter of Section 25. The private drain ultimately discharges into Tomahawk Creek.

According to Barnes County records, Applicant Todd Porter owns the Northwest Quarter of Section 24 in Edna Township where Applicant intends to install the tile system. With regard to downstream landowners, LuAnn Tschaekofske and Gerald and Ardell Saar own the Southwest Quarter of Section 24 and the Northwest Quarter of Section 25 and NDDOT owns its Highway 9 right of way. The Board will provide downstream notices to the downstream landowners, as well as Dale Jorissen, as required under N.D. Cent. Code § 61-32-03.1.

Manager Legge moved, and Manager Fehr seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-01* filed February 25, 2025, for Todd Porter in the Northwest Quarter of Section 24 in Edna Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2025-01, 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 the project outlet.
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 one mile downstream of the project outlet, 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 Northwest Quarter of Section 24 in Edna 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. 2025-01 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 Dale Jorissen to discharge into or otherwise utilize the private drain permitted under SURFACE DRAIN PERMIT No. 5957.
2. The Board recommends that Applicant obtain written consent from NDDOT to discharge through NDDOT's Highway 9 right of way.
3. 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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION and SUBSURFACE WATER MANAGEMENT PERMIT NO. 2025-01 to the Department of Water Resources, Edna Township, NDDOT, LuAnn Tschaekofske, Gerald and Ardell Saar, Dale Jorissen, 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 – Rodney Latt

Application to Install a Subsurface Water Management System No. 2025-02 for Rodney Latt in the East Half of Section 12 in Svea Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-02* filed February 25, 2025, by Applicant Rodney Latt. Under the Application, Applicant seeks to install a 246-acre drain tile system in the East Half of Section 12 in Svea Township, Barnes County, North Dakota. The project will include a single pump outlet located near the south boundary of the Southeast Quarter of Section 12; the pump will discharge directly into a USGS blue line natural watercourse that flows to the south.

Applicant's tile plan provides the following notation: "Plans to dig a more defined ditch." The Board noted that the watershed area impacted by any ditch improvements likely exceeds the 80-acre threshold for surface drainage permitting under N.D. Cent. Code § 61-32-03. If Applicant does, in fact, intend to construct ditch improvements, Applicant should submit a surface drain application to the North Dakota Department of Water Resources.

According to Barnes County records supplied by Applicant, Belinda K. and Rodney K. Latt, as Trustees of the Belinda K. Latt Living Trust, own the East Half of Section 12 in Svea 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 Legge moved, and Manager Anderson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-02* filed February 25, 2025, for Rodney Latt in the East Half of Section 12 in Svea Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-02, 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 East Half of Section 12 in Svea 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 East Half of Section 12 in Svea 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. 2025-02 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 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 and Subsurface Water Management Permit No. 2025-02 to the Department of Water Resources, Svea 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.

Engineer Report

Nothing more to be added.

Legal Report

Sean noted the Board could approve the updated cost-share agreement from the RRJWRD regarding the Sheyenne Bank Stabilization Study, to clarify that the Board will be eligible for RRJWRD cost-share for 50% of total study costs, up to \$16,250. Manager Legge moved to approve the updated agreement. Manager Schlagel seconded the motion. Upon roll call vote the motion carried unanimously. Sean gave a brief update on Mr. Hansen's request for a hearing before DWR. Mr. Hurley submitted a surface drain application to DWR in which he proposed sediment removal; DWR concluded the sediment removal would not require a permit. Mr. Hansen requested a hearing regarding DWR's decision. Sean and Mike are providing information to DWR as requested for that hearing process.

With nothing more to be discussed the meeting was adjourned at 10:29 a.m.

APPROVED:

By: 
Jerry Hieb, Chair

ATTEST:



Cara Didier
Secretary-Treasurer