

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

**Meeting Minutes**

May 12<sup>th</sup>, 2025 – 9:00 AM

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

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

OTHERS ABSENT: Shawn Olauson – Barnes County Commissioner.

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

Manager Legge moved to approve the minutes from the April 14<sup>th</sup>, 2025, meeting. Manager Anderson seconded the motion. Upon voice vote, the motion carried unanimously.

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

**OLD BUSSINESS**

**VC Little Dam**

Mike stated that Comstock has not finished the final paving work at this time, but it is expected to be completed soon.

**NRCS-RCPP : Ten Mile Lake**

Discussion was held. Mike will reach out to Joe Plagens to get an update from local landowners.

**Thordenskjold Drain**

Discussion was held on steps moving forward. Board to meet with landowners to gather more information at a later date.

### **Clausen Springs Dam**

Mike indicated that Trademark has not installed the trash rack at this time. Mike met on site with the geotechnical engineer for the dam safety study. Drilling is expected to take place sometime in June or July of 2025. The drillers requested the clearing of brush to facilitate access for their equipment. Manager Legge moved to authorize the hiring of John Borg to remove brush near the dam, up to a maximum of \$2,000.00. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously. Manager Fehr moved to authorize Houston Engineering to update the Emergency Action Plan for Clausen Springs Dam to include new observers. Manager Legge seconded the motion. Upon roll call vote, the motion carried unanimously.

### **Sheyenne River Bank Stabilization Study**

Mike gave an update from meeting with the Corp. Mike to develop a priority list of possible projects, with further discussion to be held by the Sheyenne River Joint Water Resource Board at their meeting on June 11, 2025.

### **Svea Drain**

Secretary-Treasurer Didier to reach out to the representatives of the drain to attend July 14<sup>th</sup>, 2025 meeting.

### **Cornell 80 Project**

The petitioners are still finalizing the proposed project. Once the petitioners have approved a final plan and submitted the bond, by law, the Maple River WRD and the Barnes County WRD will have to create a joint water resource district.

### **Hobart Lake**

Manager Anderson informed the Board that the gate has been open for two weeks and the water quality tests came back acceptable.

### **Dam Inventory**

The Board previously authorized Mike and Houston Engineering to proceed with a feasibility on Brown Dam, and Mike reported that a survey of the dam is scheduled to be completed in May. Additionally, Mike is preparing a proposal for the inspection of other dams owned by the Barnes County Water Resource District for the Board to consider at a future meeting.

### **Sanborn Lake Outlet**

Manager Legge informed the Board that the water levels are getting close to the max allowed.

### **Water-Related complaint – Oriska Township**

No update at this time. Secretary-Treasurer Didier will invite the Township to the next Board meeting.

## **NEW BUSINESS**

### **Application to Install a Subsurface Water Management System No. 2025-07 for Dustin Theurer in the Northeast Quarter of Section 30 in Springvale Township**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-07* filed April 21, 2025, by Applicant Dustin Theurer. Under the Application, Applicant seeks to install a 72-acre drain tile system in the Northeast Quarter of Section 30 in Springvale Township, Barnes County, North Dakota. The project will include a single pump outlet located along the east boundary of the Northeast Quarter of Section 30; the pump will discharge into the west road ditch along North Dakota Highway 32; the discharge will flow east, through an existing culvert under Highway 32; the discharge will daylight in the east road ditch along Highway 32 and will continue east, across a portion of the Northwest Quarter of Section 29 until flowing into a USGS blue line natural watercourse.

According to Barnes County records, Harriet Dimmer and Neal Dimmer own the Northeast Quarter of Section 30 in Springvale Township, where Applicant intends to install the tile system. With regard to downstream landowners, Rodney and Theresa Haugtvedt own the West Half of the Northwest Quarter of Section 29 in Springvale Township; and Ronald Weber and Sharon Weber, as Co-Trustees of the Ronald & Sharon Weber Family Trust, own the East Half of the Northwest Quarter of Section 29. 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 Anderson moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-07* filed April 21, 2025, for Dustin Theurer in the Northeast Quarter of Section 30 in Springvale Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-07, 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 North Dakota Department of Transportation's Highway 32 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 Northwest Quarter of Section 29 in Springvale 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 Northeast Quarter of Section 30 in Springvale 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. 2025-07 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 North Dakota Department of Transportation to discharge into or otherwise utilize any of NDDOT’s Highway 32 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. 2025-07, downstream flow map, and the Barnes County

Drainage/Ditch Cleaning Permit Application to the Department of Water Resources, NDDOT, Springvale Township, Neal Dimmer, Harriet Dimmer, Rodney and Theresa Haugtvedt, the Ronald & Sharon Weber Family Trust, 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**

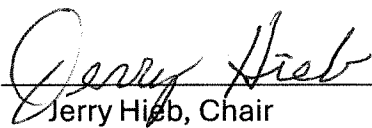
Nothing more to be added.

**Legal Report**


Sean gave a brief legislative session update.

With nothing more to be discussed the meeting was adjourned at 10:35 a.m.

APPROVED:

By:   
Jerry Hieb, Chair

ATTEST:

  
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Cara Didier  
Secretary-Treasurer