

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

**DRAFT MINUTES**

**Meeting Minutes**

July 14<sup>th</sup>, 2025 – 9:00 AM

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

OTHERS PRESENT: Mike Opat – Houston Engineering; Sean Fredricks – Ohnstad Twichell; Shawn Olauson – Barnes County Commissioner; see attached list.

Chairman Hieb called the meeting to order at 9:02 a.m.

Manager Legge moved to approve the minutes from the June 9<sup>th</sup>, 2025, meeting. Manager Anderson seconded the motion. Upon voice vote, the motion carried unanimously.

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

**OLD BUSSINESS**

**VC Little Dam**

Mike informed the board the construction phase has now been completed and the Board has received the final invoice from the contractor. Manager Legge made a motion to approve Pay Application No. 3 for Comstock Construction in the amount of \$40,950. Manager Schlagel seconded the motion. Upon roll call vote, the motion carried unanimously.

**Ten Mile Lake**

No update at this time.

**Thordenskjold Drain**

Mike discussed possible next steps for potential improvement project. After discussion, the Board elected to hold off on an informational meeting until new standard methodology for determining benefits is developed.

**Clausen Springs Dam**

The Board did not receive a response from Trademark Tooling with regard to the letter that was sent to Trademark Tooling last month. The Board elected to move on from Trademark Tooling and hire another company to fabricate and install the trashrack. Manager Legge made a motion to solicit bids from contractors to build and install a new trash rack. Manager Schlagel seconded the motion. Upon

roll call vote, the motion carried unanimously. Mike informed that the Dam Safety Evaluation is moving forward. They are waiting for favorable conditions to start drilling.

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

The Sheyenne River Joint Board met in June with Mike and Manager Anderson in attendance. The Corps of Engineers is currently reviewing a list of priority projects that was submitted by the Sheyenne River Joint Board. The Corps is expected to respond with an initial evaluation of which sites could qualify for further evaluation and funding.

#### **Svea Drain**

Landowners from the Svea Drain were present and discussion was held regarding next steps. The landowners are considering the possibility of pursuing a private drain project.

#### **Cornell 80 Project**

Sean provided a proposed Joint Water Resource District Agreement to form a joint board with the Maple River Water Resource District; the new joint board would be the "Barnes-Maple River Joint Water Resource District." Manager Legge made a motion to sign the agreement and form the joint board with Maple River and to appoint Managers Fehr and Schlagel and Chairman Heib as the three Barnes County WRD Board Members to the Barnes-Maple River Joint Water Resource District. Manager Anderson seconded the motion. Upon roll call vote, the motion carried unanimously. Organizational meeting to be held at a later date.

#### **Hobart Lake**

Manager Anderson reported the levels at 1415.71 with the gate open and still draining.

#### **Dam Inventory**

Mike updated that the feasibility study on Brown Dam have begun and once those results have been reviewed the design concept will be the next step. DWR previously denied the Board's Cost-Share request regarding the inspection and study of the other 9 dams. The RRJWRD approved cost-share to conduct the inspection and study of those dams. Manager Legge made a motion to have Secretary Cara work with Mike to send a letter to the State Water Commission asking to reconsider the application for cost-share for the evaluation of 9 dams and to approve the modified cost-share agreement with the Red River Joint Water Resource District. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

#### **Sanborn Lake Outlet**

Manager Anderson reported the levels at 1426.22 with the gate closed.

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

No action taken at this time.

#### **LaMoure County WRD – Proposed Joint Project**

Sean informed the board that he prepared a draft Joint Water Resource District Agreement and provided it to counsel for the LaMoure County WRD.

## **NEW BUSINESS**

### **2026 Budget Request**

Discussion was held.

### **Drain Tile Application – Justin Johnson**

#### **Application to Install a Subsurface Water Management System No. 2025-12 for Justin Johnson in the North Half of Section 13 in Springvale Township**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-12* filed June 26, 2025, by Applicant Justin Johnson. Under the Application, Applicant seeks to install a 230-acre drain tile system in the North Half of Section 13 in Springvale Township, Barnes County, North Dakota. The project will include a pump outlet located in the southwest corner of the Northeast Quarter of Section 13; the pump will discharge into a surface drain that runs to the northwest, across the North Half of Section 13; near the northwest corner of the Northwest Quarter of Section 13, the surface drain discharges into a natural watercourse, as that term is defined under N.D. Cent. Code § 61-01-06; the watercourse flows to the north, under 38th Street SE, and across Section 12. The project will include a second pump outlet near the northwest corner of the Northwest Quarter of Section 13 that will discharge into the same surface drain and, ultimately, into the same natural watercourse.

According to Barnes County records supplied by Applicant, Mark and Pamela Johnson own the Northwest Quarter of Section 13 in Springvale Township, and Justin and Lindsey Johnson own the Northeast Quarter of Section 13. Because the project will discharge directly into a natural watercourse in the Northwest Quarter of Section 13, no 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. 2025-12* filed June 26, 2025, for Justin Johnson in the North Half of Section 13 in Springvale Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-12, 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 outlets into the natural watercourse in the Northwest Quarter of Section 13 in Springvale 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 North Half of Section 13 in Springvale 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. 2025-12 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.

Sean Fredricks will provide copies of the Board's Notice of Decision, Subsurface Water Management Permit No. 2025-12, downstream flow map, and the Barnes County Drainage/Ditch Cleaning Permit Application to the Department of Water Resources, Springvale Township, Mark and Pamela Johnson, 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.

#### **Spring Creek – Rodney Latt**

Discussion was held regarding cattails in the Spring Creek.

#### **Hobart Lake – Stilling Well**

Manager Anderson informed the board that DWR contacted him with information regarding the installation of a stilling well at Hobart Lake. Manager Anderson indicated the stilling well would be a permanent way of monitoring the water levels compared to the semi-permanent gauge the state uses at this time. Manager Anderson made a motion to allow the installation of the stilling well at Hobart Lake. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

#### **Fall Cattail Spraying**

Mike with Larson Helicopter informed the board previous to this meeting that he would be spraying the legal drains and Clausen Springs Dam.

#### **Drain Tile Application – Brad Sortland**

##### **Application to Install a Subsurface Water Management System No. 2025-13 for Brad Sortland in the South Half of Section 31 in Svea Township**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-13* filed July 9, 2025, by Applicant Brad Sortland. Under the Application, Applicant seeks to install a 125-acre drain tile system in the South Half of Section 31 in Svea Township, Barnes County, North Dakota. The project will include a pump outlet located in the Southwest Quarter of Section 31; the pump will discharge into an existing surface ditch along the south boundary of the Southwest Quarter of Section 31, in the north road ditch along 48th Street SE; the discharge will flow to the west for a short distance before flowing into a slough or lake, identified as a wetland in the National Wetland Inventory.

According to Barnes County records supplied by Applicant, Brad Sortland owns the Southeast Quarter of Section 31 in Svea Township, and Brad and Kristina Sortland own the Southwest Quarter of Section 31 in Svea Township. Because the project will discharge into a slough or lake in the Southwest Quarter of Section 31, no downstream notices are required under N.D. Cent. Code § 61-32-03.1.

Manager Fehr moved, and Manager Schlagel seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-13* filed July 9, 2025, for Brad Sortland in the South Half of Section 31 in Svea Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-13, 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 outlets into Svea 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 point where the discharge flows into the slough or lake in the Southwest Quarter of Section 31 in Svea Township.
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 South Half of Section 31 in Svea 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. 2025-13 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 a downstream landowner or road authority that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

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 Svea Township 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.

Sean Fredricks will provide copies of the Board's Notice of Decision, Subsurface Water Management Permit No. 2025-13, the downstream flow map, and the Barnes County Drainage/Ditch Cleaning Permit Application 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**

Nothing more to be added.

With nothing more to be discussed the meeting was adjourned at 11:39 a.m.

APPROVED:

By: \_\_\_\_\_  
Jerry Hieb, Chair

ATTEST:

\_\_\_\_\_  
Cara Didier  
Secretary-Treasurer