

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

DRAFT MINUTES

Meeting Minutes

September 8th, 2025 – 9:00 AM

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

MEMBERS ABSENT: Managers – Brett Fehr.

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

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

Public Comment Period: No one submitted speaker cards to request permission to speak.

Manager Legge moved to approve the minutes from the August 11th, 2025, meeting. Manager Anderson 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 gave an update on the reimbursement from the SWC. Mike will have the final recap of the financials of the project soon.

Ten Mile Lake

No update.

Thordenskjold Drain

Informational meeting after harvest. Mike to inspect the current conditions of the crossings to see if there has been any change since the previous analysis.

Clausen Springs Dam

Mike stated the geotechnical engineers completed their drilling and they are working on their soil boring report. Houston has been working on the hydrological report. Mike reported he is still working on soliciting bids for the trash rack.

Sheyenne River Bank Stabilization Study

No update at this time.

Svea Drain

No update.

Hobart Lake

Manager Anderson reported the sulfate levels were too high, and the gate was closed over Labor Day weekend. Water level at 1415.52 per a recent reading from the DWR's PRESENS gage.

Sanborn Lake Outlet

Manager Anderson reported water levels at 1426.47 per a recent reading from the DWR's PRESENS gage. Water level too low to open gate.

Dam Inventory

Mike indicated that DWR reaffirmed their decision to reject the Board's cost-share request as ineligible administrative expenses. Manager Legge moved to direct Houston Engineering to conduct an inspection of 9 dams and Thordenskjold drain. Manager Anderson seconded the motion. Upon roll call vote, the motion carried unanimously.

Water-Related complaint – Oriska Township

Oriska township officially withdrew their complaint. This matter is now closed.

LaMoure County WRD – Proposed Joint Project

Fredricks previously provided a draft Joint Water Resource District Agreement for the LaMoure County Water Resource District to consider. By law, any joint project will require creation of a joint WRD. Fredricks has not heard anything from LaMoure County WRD.

Spring Creek – Rodney Latt

Dave Azure was present and gave some history of structures along the watercourse. Rodney Latt informed the board that there is a beaver dam near Hastings, the board provided him with contact information for a trapper. The Board reiterated that the Board lacks general fund dollars to fund any spraying. Landowners may seek to engage Larson Helicopters for a private spraying project.

Drainage Complaint – David Richman

Manager Anderson reached out to David Richman to discuss options. Mr. Richman was present at the meeting and formally (verbally) withdrew his complaint. This matter is now closed.

NEW BUSINESS

NDDOT Request for drainage – Dustin Theurer

Dustin Theurer -- NDDOT Request for Drainage on Highway Right of Way

At the Board's meeting on August 11, 2025, the Board approved *Subsurface Water Management Permit No. 2025-17*, regarding a proposed tile system in the Northeast Quarter of Section 30 in Springvale Township for Dustin Theurer. 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 south in the west road ditch for a short

distance; the discharge will then 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 and a small portion of the Southwest Quarter of Section 20, until flowing into a USGS blue line natural watercourse. As a condition to the approved permit, the Board required Mr. Theurer to install and maintain erosion protection at any and all outlets into the North Dakota Department of Transportation's Highway 32 right of way, and the Board also recommended that Mr. Theurer ultimately obtain consent from NDDOT. The Board issued a NOTICE OF DECISION and supporting permit documents to Mr. Theurer, DWR, and other parties of record, including NDDOT.

Mr. Theurer recently submitted a signed NDDOT REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY, regarding Mr. Theurer's proposal to discharge into NDDOT's Highway 32 right of way. Sean Fredricks advised the Board that water resource districts only have jurisdiction over tile drainage via the tile permitting statute, N.D. Cent. Code § 61-32-03.1. However, NDDOT must obtain approvals from water resource districts prior to NDDOT approval of tile discharge in NDDOT's right of way to comply with federal highway rules. With that in mind, NDDOT has requested that water resource districts "approve" their REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY forms for projects that will discharge into NDDOT right of way. To address the concerns of water resource districts regarding their jurisdictional limitations, NDDOT previously indicated that water resource districts could submit the approved forms along with a cover letter that outlines water resource districts' jurisdiction related to drainage. The Board will have to approve Mr. Theurer's NDDOT REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY before NDDOT will consider it.

Manager Legge moved, and Manager Schlagel seconded the motion, to approve the NDDOT REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY submitted by Applicant Dustin Theurer; to authorize Secretary-Treasurer Didier to sign the NDDOT REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY as "approved"; and to direct Sean Fredricks to submit the approved permit to NDDOT along with a cover letter that highlights the limitations of the Board's jurisdiction. Upon roll call vote, the motion carried unanimously.

Engineer Report

Mike indicated Les Hansen had filed a Surface Drain Permit Application to the SWC. The SWC sent out information for a comment period. Mike had no comments regarding the permit.

Legal Report

Sean discussed a lawsuit filed in federal district court by LaVerne Koenig; in the suit, Mr. Koenig is attempting to name all water resource districts in the state. NDIRF will likely provide defense. Sean provided an update on interim legislative studies.

With nothing more to be discussed the meeting was adjourned at 10:25 a.m.

APPROVED:

By: _____
Jerry Hieb, Chair

ATTEST:

Cara Didier
Secretary-Treasurer

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