

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

**Meeting Minutes**

July 13<sup>th</sup>, 2026 – 9:00 a.m.

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

OTHERS PRESENT: Dawn Schaefer and Stephen Hilfer – Ohnstad Twichell; Mike Opat – Houston Engineering; Shawn Olauson – Barnes County Commissioner.

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 Fehr moved to approve the minutes from the June 8<sup>th</sup>, 2026, meeting. Manager Legge seconded the motion. Upon voice vote, the motion carried unanimously.

Manager Legge moved to approve the bills as presented with the addition of two invoices for the Barnes-LaMoure joint board meeting for \$217.00 for Joint Board insurance. Manager Fehr Seconded the motion. Upon roll call vote, the motion carried unanimously.

**OLD BUSINESS**

**Thordenskjold Drain**

Mike discussed possible options for improvements of the drain. Manager Schlagel to go with Mike and visit with landowners to get opinions.

**Clausen Springs Dam**

Chairman Hieb to reach out to Scott Kohler regarding the water level for the installation of the trash rack.

**Sheyenne River Bank Stabilization Study**

No update.

**Hobart Lake**

Manager Anderson reported the gate remains open with minimal water flowing. Water level reading 1415.58.

**Sanborn Lake Outlet**

Manager Anderson reported water level reading 1426.06.

### **Dam Inventory**

No update.

### **Brown Dam**

Mike informed the board was not granted the application for funding with the U.S. Fish and Wildlife Services. Mike to look into other funding options.

### **Pat Hurley Surface Drain Application No. 6842**

The Board previously approved Mr. Hurley's surface drain permit; one of the conditions the Board attached to the permit is a requirement for Mr. Hurley to submit an as-built survey following completion of the project. Mr. Hurley contacted Mike Opat and indicated he is not certain if he will ultimately proceed with the project. The Board will keep this matter on its agendas to ensure Mr. Hurley's compliance with his permit requirements.

### **Spring Spraying**

Larson Helicopters has not informed of spraying for weeds at this time.

### **NEW BUSINESS**

#### **Matt Legge -- NDDOT Application for Ditch Cleaning or Drain Tile and Pumping**

At the Board's meeting on February 9, 2026, the Board approved *Subsurface Water Management Permit No. 2026-03*, regarding a proposed tile system in the Southeast Quarter of Section 19 in Stewart Township, for Matt Legge. The project will include a single pump outlet located near the southeast corner of the Southeast Quarter of Section 19; the pump will discharge into the west road ditch along North Dakota Highway No. 1; the discharge will flow to the south in the west road ditch, along the east boundary of the Northeast Quarter of Section 30, for a short distance; the discharge will then flow to the east under Highway 1, through an existing culvert; the discharge will daylight in the east road ditch along Highway 1 and will flow south, along the west boundary of the Northwest Quarter of Section 29, under BNSF Railway Company's right of way; at the northwest corner of the Southwest Quarter of Section 29, the tile discharge will flow into Stewart-Anderson Drain No. 2. As a condition to the approved permit, the Board required Mr. Legge to install and maintain erosion protection at the outlet into the North Dakota Department of Transportation's Highway 1 right of way, and the Board also recommended that Mr. Legge ultimately obtain consent from NDDOT. The Board issued a Notice of Decision and supporting permit documents to Mr. Legge, DWR, and other parties of record, including NDDOT.

Mr. Legge recently submitted a signed NDDOT Application for Ditch Cleaning or Drain Tile and Pumping, regarding Mr. Legge's proposal to discharge into NDDOT's Highway 1 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 Application for Ditch Cleaning or Drain Tile and Pumping 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. Legge's NDDOT Application for Ditch Cleaning or Drain Tile and Pumping before NDDOT will consider the Application.

Matt Legge is Manager Scott Legge's cousin. With that in mind, when the Board approved *Subsurface Water Management Permit No. 2026-03* at the Board's meeting on February 9, 2026, the Board conducted conflict analysis regarding Manager Legge's potential conflict. As a result of that conflict analysis, the Board concluded Manager Legge had a conflict regarding *Subsurface Water Management Permit No. 2026-03* and should not vote on or discuss matters related to the tile application. Because this NDDOT permit is related to *Subsurface Water Management Permit No. 2026-03*, the Board's conflict analysis from February 9, 2026, applies to this NDDOT permit as well.

Manager Anderson moved, and Manager Fehr seconded the motion, to approve the NDDOT Application for Ditch Cleaning or Drain Tile and Pumping submitted by Applicant Matt Legge; to authorize Secretary-Treasurer Didier to sign the NDDOT Application for Ditch Cleaning or Drain Tile and Pumping 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, Chairman Hieb and Managers Anderson, Fehr, and Schlegel voted in favor of the motion. Manager Legge abstained. The motion carried.

#### **John Jorissen -- NDDOT Application for Ditch Cleaning or Drain Tile and Pumping**

This NDDOT permit submitted by John Jorissen is related to *Subsurface Water Management System No. 2026-06*, approved by the Board for Mr. Jorissen on June 8, 2026. When the Board approved the permit, the Board included a recommendation that Mr. Jorissen obtain written consent from the North Dakota Department of Transportation to discharge into or otherwise utilize any of NDDOT's Highway 9 right of way. Following the Board's approval of the permit, Mr. Fredricks provided notice of the permit approval to landowners within one mile of the project outlet, including CP Rail. CP Rail later filed an appeal of the Board's approval of the permit with the District Court. Mr. Fredricks requested defense from the North Dakota Insurance Reserve Fund and NDIRF appointed Dan Gaustad to defend the matter. Mr. Gaustad has worked with Secretary-Treasurer Didier and Ohnstad Twichell to compile the record on appeal and Mr. Gaustad is otherwise actively engaged in the Board's defense in the matter.

In light of the appeal by CP Rail, the Board did not take any action regarding Mr. Jorissen's NDDOT permit application. Secretary-Treasurer Didier will include this matter on the Board's August agenda.

#### **2027 Budget Request**

Discussion regarding the secretary's salary increase was held. Manager Anderson moved to approve the Board's 2027 budget request to the County Commission, including a 3% increase regarding Secretary-Treasurer Didier's salary. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

#### **Engineer Report**

Mike informed the Board that the Red River Retention Authority is working with other stakeholders on evaluating potential compatible projects that would benefit from additional retention in the Red River watershed.

**Legal Report**

Nothing more to be added.

With nothing more to be discussed the meeting was adjourned at 10:34 a.m.

APPROVED:

By: /s/ Jerry Hieb  
Jerry Hieb, Chair

ATTEST:

/s/Cara Didier  
Cara Didier  
Secretary-Treasurer