

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

**Meeting Minutes**

June 10, 2024 - 9:00 AM

MEMBERS PRESENT: Chairman – Jerry Hieb, Managers – Scott Legge, Bruce Anderson, Perry Schlagel, Mike Opat, Houston Engineering; and Sean Fredricks, Ohnstad Twichell. Also present by Microsoft Teams were Kale Van Bruggen, attorney for Les Hansen; Ross Nilson, attorney for Pat Hurley; Jordan Prazak, engineer for Mr. Hurley.

ABSENT: Manager Bret Fehr

Chairman Hieb called the meeting to order at 9:01 a.m.

Chairman Hieb introduced the new appointed Board member from Dist. 2 Perry Schlagel.

Manager Legge moved to approve the minutes from the May 13, 2024 meeting. Manager Anderson seconded the motion. Upon voice vote, the motion carried unanimously.

**OLD BUSINESS**

**Hansen/Hurley Complaint**

The Board asked Mike and Sean to investigate and prepare reports for today's meeting. Mike discussed his Technical Memorandum, on file with the Board. Mike described the original construction of improvements by the Hurley family, in the 1950s or 1960s. He then described the improvements constructed by Pat Hurley in 2021. Sean discussed the procedural background of the matter, including both the complaint and the surface permit application previously submitted and withdrawn by Mr. Hurley. Sean explained that the Findings of Fact, Conclusions of Law, and Order he drafted propose a finding that the original improvements constructed by the Hurley family did not require a permit under North Dakota law; that Pat Hurley's improvements in 2021 were beyond mere maintenance and did require a surface permit; and propose an order to dismiss the portion of the complaint regarding the Hurley family activities in the 1950s or 1960s but ordering Pat Hurley to close or fill the drainage improvements he constructed in 2021. The Board concurred with Mike's findings and with the draft Findings of Fact, Conclusions of Law, and Order. The Board next discussed when to require Mr. Hurley to close or fill his improvements; conditions are wet now. After discussion the Board agreed that August 7, 2024, would be a reasonable deadline to require Mr. Hurley to close or fill his 2021 improvements. If conditions do not allow work to be completed by then, the Board could entertain a request by Mr. Hurley to extend the deadline. Manager Legge moved to approve the Findings of Fact, Conclusions of Law, and Order with the deadline of August 7, 2024. Manager Anderson seconded the motion. Upon roll call vote, the motion carried unanimously. Sean will serve the parties with the Findings of Fact, Conclusions of Law, and Order along with a Notice of Decision that will notify the parties of their appeal rights.

**VC Little Dam:**

Mike reported the Contractor is planning to begin work late July or early August. The late start does not impact the contractor's contractual completion schedule. The project pre-construction on-site meeting is scheduled for July 8<sup>th</sup> with the contractor, utility company, and city representatives.

**NRCS-RCPP - Ten Mile Lake**

Mike met with NRCS staff and reported they are standing firm with the mitigation requirements; the potential mitigation costs are around \$13 million dollars. Mike and Houston are working on a more conservative approach, he stated that unfortunately this project will more than likely not move forward. NRCS will provide a final report in August.

**Thordenskjold Drain**

Mike reported work continues on the master plan; Houston has completed a survey of the entire drain. With the survey complete, Houston is working on the hydraulic model based on that information with the goal for this to be complete by July.

**Clausen Springs Dam**

Conditions still have not allowed TradeMark to install the trash rack. Mike discussed DWR's findings regarding seepage through the concrete pipe; the seepage does not seem to be getting worse but the Board will continue to monitor. Manager Anderson met with the Barnes County Commission to discuss designating the remaining funds from the Little Dam project to be used to help fund the study needed for this project. Mike is currently working on an updated scope and budget for the cost share application submittal to the DWR and RRJWRD.

**Sheyenne Riverbank Stabilization Study**

Mike discussed the counties that are interested in proceeding further with the study, no response from any private individuals. After discussion, Mike suggested at some point to hold a meeting with local legislative representatives. No action was taken by the Board.

**Stewart-Anderson Drain No.2**

Manager Legge stated with the nice spring conditions this year the drain is in good condition. Mike also mentioned that the work done last fall appears to be holding up well.

**Hobart Lake**

Manager Anderson mentioned that the PRESENS gauges have been installed. Hobart is still operating with an elevation of 1416.10

**NEW BUSINESS**

Sean reported the Maple River Water Resource District has continued to develop the Cornell Twp. Drainage Project. He explained that the Board previously entered into a JPA with Maple River WRD because the project will include benefits to properties in Barnes County; under the JPA, the Barnes County WRD would not have any cost obligations regarding the project and would have to approve any assessments in Barnes County. However, under new legislation, SB 2372 approved last session, adjacent counties must now form a joint board to construct a project that will benefit properties in both counties; with that in mind, the JPA the Board previously executed with the Maple River WRD is no longer sufficient and the Board will have to form a joint board with either the Maple River WRD or the Cass County Joint

WRD. Sean then went onto explain that there are a couple of other projects coming up in Cass Co. that will likely benefit landowners in Barnes Co. He proposed the possibility of forming a single joint board with the Cass County Joint WRD, as opposed to a joint board with the Maple River WRD and another with the Cass County Joint WRD; a single joint board with the Cass County Joint WRD would cover the requirement of this bill. The Board agreed and directed Mike and Sean to discuss with the Cass County Joint WRD to discuss options.

The Board discussed potential projects for the 2025 Budget Request. The Board agreed to request funding for these projects: Sheyenne Riverbank Stabilization, Snagging/Clearing, Brown Dam, Clausen Springs Dam.

**Engineer Report**

Mike had nothing more to add.

**Legal Report**

Sean mentioned legislative committees are discussing pro drainage developments, he also discussed Board per diems.

**Bills**

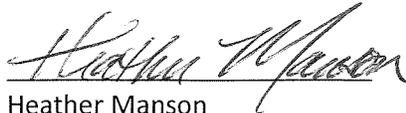
Manager Legge moved to pay bills as presented. Manager Anderson seconded the motion. Upon roll call vote, the motion carried unanimously.

With nothing further to discuss the meeting adjourned at 10:40 a.m.

APPROVE:

  
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Jerry Hieb, Chair

ATTEST:

  
\_\_\_\_\_  
Heather Manson  
Secretary-Treasurer

Barnes County Water Resource District  
PO Box 306  
Valley City, ND 58072

June 10<sup>th</sup>, 2024

PLEASE SIGN IN BELOW

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Donald Jorissen

W.C.

S. M.

Rochelle Larsen

Pat [Signature]