

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

February 26, 2025

The regular meeting of the Stutsman County Water Resource Board was called to order by Vice-Chairman, Anthony Roorda, on February 26, 2025, at 10:00 a.m. in the County Commissioner's Room of the Stutsman County Courthouse. Members present were Anthony Roorda, John Schock, Dennis Clark, and Arlyn Schmidt.

Additionally present were Chad Wolsky, Jerald Orn, Masaki Ova of the Jamestown Sun, Robert Joos, and Greg Spenningsby, board alternative.

Also present were Abigail Geroux and Melissa Magnuson from Dalsted & Ryan, P.C., as the secretary/treasurer of the Stutsman County Water Resource Board.

**MINUTES**

The first order of business was to review and approve the minutes of the January 29, 2025, regular meeting minutes. Arlyn Schmidt moved and Dennis Clark seconded a motion to approve the minutes as presented. Motion passed.

**W-659-COMPLAINT OF UNAUTHORIZED DRAINAGE IN THE SOUTH HALF OF SECTION 25/143/62, STUTSMAN COUNTY, NORTH DAKOTA**

Next, the board addressed the Complaint of Unauthorized Drainage in the South Half Section 25, Township 143, Range 62, Stutsman County, North Dakota. This portion of the meeting was recorded.

Ms. Geroux provided a brief overview of the complaint. The complaint was filed by Jerald Orn indicating that there was unauthorized drainage occurring in the fall of 2024 on the South Half of Section 25, Township 143, Range 62 and the property owner is Jerome James Martin and the tenant is Chad Wolsky. Ms. Geroux noted that she also received correspondence from the Barnes County Water Resource Board. In visiting with the attorney for their board, they indicated they did not desire to participate in the board's review of the complaint and acknowledged the board's authority to handle the matter because the property is located in Stutsman County.

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Additionally, Ms. Geroux noted that the board members received approximately a seven page document from Chad Wolsky at the start of the meeting. Dennis Clark moved and John Schock seconded a motion to accept this document as part of the evidence in the matter. Motion passed.

Next, Jerald Orn addressed the Water Resource Board. Jerald Orn was sworn in. Jerald explained that in 2024, Jerome Martin and Chad Wolsky did extensive ditching. Mr. Orn explained that he checked with various agencies who would have authority to provide permission to do the ditching and Mr. Orn indicated that he was not able to locate any approvals. Mr. Orn further noted the prior owner of the property was also present, who he anticipates would indicate that there is no history of drainage on that property. Mr. Orn noted that he had identified 30 plus wetlands which were ditched without permission as shown on his Exhibit 2 of the complaint.

Mr. Orn also identified what he believed to be the flow of water into Barnes County. He noted that it was County Highway No. 4. The highway has been under water in the past and with additional water is at risk of overtopping in the future.

Mr. Orn also identified Exhibits 4 and 5 of the complaint regarding photos he had taken of the ditching done on the South Half of Section 25. Ms. Geroux asked what, if anything, Mr. Orn observed, which led him to believe that Mr. Wolsky conducted drainage. Mr. Orn indicated he saw a scraper and a tractor on the property in 2024. There was then some additional discussion regarding the drainage on the property. Ultimately, it was noted that some of the drainage goes north to Rose Slough, some of it goes to mile 10, and goes ultimately to the Sheyenne.

Next, Chad Wolsky, a respondent, addressed the Water Resource Board. Chad Wolsky was sworn in. Mr. Wolsky noted that they farmed through the sloughs every year. The west side of the property drains into CRP land. Mr. Wolsky turned to page 1 of his Exhibit explaining that no drains that were cut left the south half of the property. He further noted that he requested from NRCS a wetland delineation, however, NRCS is currently backed up. He explained that if he drained any wetlands which he was not supposed to according to NRCS, he would put it back.

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Mr. Wolsky did acknowledge conducting draining activity on the property. He indicated that he requested one of his workers to do the ditching. On page 2 of the respondent's Exhibit, Mr. Wolsky provided documentation he received from his insurance showing the wetland areas. On pages 3, 4, and 5 of the respondent's Exhibit, it provided documentation showing elevations of the property. On page 6 of the respondent's Exhibit shows a photograph of drainage that Mr. Wolsky took either Monday or Tuesday of this week showing a portion of the property where drainage occurred in the Southwest Quarter, which is not owned by Mr. Wolsky.

Page 7 of the respondent's Exhibit contains a flyover from 1957. Mr. Wolsky indicated it was not his intention to drain on anyone. He acknowledged conducting some ditching activities for three small wetlands located in the South Half of the South Half of Section 25, which appear to be located in the Southwest Quarter, more particularly, he indicated he requested his workers to connect three different sloughs and then moved that drainage up north to connect to another slough on his property.

Mr. Wolsky indicated that there exists a feed plant in the Southwest Quarter of Section 25. Any drainage that was done on this property has not been done by Chad. Chad expressed frustration that many farmers were draining in the fall of 2024. He felt that the complaint was a personal attack against him and was adamant that no water is being drained off of his property.

Jerald Orn disagreed. Mr. Orn explained that along the railroad located in the Northeast Quarter of the Southeast Quarter of Section 25, there exists a large ditch where water from the Southeast Quarter flows into that ditch and then eventually flows north. John Schock inquired of Mr. Wolsky if he had completed the 1026 form from NRCS. Mr. Wolsky indicated that he did not complete that form because NRCS had not finished the wetland delineation.

Next, Robert Joos, previous owner of the South Half of Section 25, addressed the Water Resource Board. Robert Joos was sworn in. Mr. Joos indicated that excess water from the South Half of Section 25 drains in multiple directions. It runs over Jerald Orn's land, it flows to the land that he owns north of the property. Mr. Joos noted that in Section 36, which is directly south of Section 25, there exists a larger body of water where a man-made ditch was placed under Highway 9. With this ditch, it

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allows water to move into the ditch of the railroad. This water eventually moves north through the system. He noted that the ditch along the railroad was dug by the City of Wimbledon. Mr. Joos noted he sold the South Half of Section 25 because the property was wet. Mr. Joos expressed his frustration that Mr. Wolsky should not be allowed to drain his property to the detriment of his neighbors.

Ms. Joos then alleged he observed Chad Wolsky's tractor and scraper on the Seed Plant property. Mr. Wolsky denied that was the case. Mr. Joos explained that the tractor and scraper that was on the property was the same tractor and scraper, type, and model that he observed Mr. Wolsky using previously.

Various parties then discussed additional alleged unauthorized drainage which is not the subject of the complaint, at which point the board noted the only complaint before the board was regarding the South Half of Section 25.

Dennis Clark then inquired if NRCS gave Mr. Wolsky a timeline for its delineation map. Mr. Wolsky indicated prior to the meeting, he reached out to NRCS so see if they had a timeline available and they did not have one at that time.

Anthony Roorda then noted that the Water Resource Board does not have jurisdiction regarding wetlands nor would the Water Resource Board take action regarding whether or not any sloughs on the South Half of Section 25 were wetlands. Dennis Clark indicated he would like to see the property in person with some discussion again regarding the ditch by the railroad. The parties indicated that the ditch was dug when the implement dealer opened. It was then discussed setting up a site visit. The board indicated they would like to conduct a site visit March 5, 2025, at 10:30 a.m. meeting at the Seed Plant on Highway 9. Dennis Clark moved and John Schock seconded a motion to approve of the special meeting for the site visit. Motion passed.

Anthony Roorda then provided a report on the Crystal Springs feasibility study meeting. Anthony Roorda noted Houston Engineering expressed that they would likely not be able to meet

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the March 2025 deadline. It was noted that additional information was made available to Houston Engineering which would impact its feasibility study. In particular, the impact of the aquifers to Crystal Springs Lake and that the North Dakota Department of Transportation anticipates raising the Interstate an additional 12 feet above the natural drain. Both of these items were not anticipated at the time the project was commenced and Houston Engineering discussed a desire to have additional time to develop its feasibility study based on this new information. Anthony Roorda noted that there was likely to be a request for an additional joint meeting with the County and the Water Resource Board to extend the competition deadline. Anthony Roorda noted that Houston Engineering had identified a tentative plan for the placement of a 16 cfs pump that could be variable in nature with the use of a 24" pipe. It was noted that there was no additional water added to the system, but at 16 cfs it would take 180 days to lower lake water by one foot.

Kidder County expressed some hesitancy to this plan and the path of drainage, however, there was some interest in utilizing this water for irrigation near Tappen. Additionally, it was noted that Crystal Springs Lake was the only lake that is monitored by the State of North Dakota, which shows the lake level has risen. The expected evaporation rate and precipitation in the area should have shown the lake to decrease instead of increase.

#### **UPPER SHEYENNE**

Dennis Clark then provided a report regarding the Upper Sheyenne. Dennis Clark noted that they have not started its next project because of frost. They also requested an extension of completion of the projects because they had concerns about completing it within the time line. Notably, they would need to do some pumping, but they likely cannot do any pumping until the 1<sup>st</sup> of May on Devils Lake.

#### **FINANCIALS**

Next the board addressed the bills and financials. Ms. Geroux noted that she and Anthony Roorda did transfer the C.D. as authorized by the board at its January 2025 meeting. Arlyn

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Schmidt moved and Dennis Clark seconded a motion to approve bills and financials. Motion passed.

**CHECK NUMBERS**

1. Dalsted & Ryan, P.C. - \$1,281.80 #2967

Next, the board discussed the various lidar mapping tools and potential retaining of engineering services to provide assistance to the board on the particular complaint before it. Ms. Geroux then reviewed the mapping from the International Water Institute. It appeared a number of the information has been updated since the last time it was reviewed. They requested Ms. Geroux to prepare a printout showing the flow of water in the area of the complaint to be provided to the parties prior to the March 5, 2025, special meeting.

The board then discussed the benefit to the board in having these tools in reviewing complaints. John Schock moved and Dennis Clark seconded a motion to authorize Abbagail Geroux to familiarize herself with the International Water Institute watershed tools. Motion passed.

Seeing no further business before the board, Arlyn Schmidt moved and John Schock seconded a motion to adjourn. Motion passed. The meeting was adjourned at approximately 11:30 a.m.

RESPECTFULLY SUBMITTED:

\_\_\_\_\_  
ABBAGAIL GEROUX  
Secretary

**BOARD APPROVAL OF MINUTES**

The board approved the minutes this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
JOEL LEES, Chairman, or  
ANTHONY ROORDA, Vice-Chairman