

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

**SPECIAL MEETING**

April 6, 2020

A special meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on April 6, 2020, at 10:00 a.m. via telephone conference. Members present by telephone were Joel Lees, Arlyn Schmidt, Anthony Roorda, John Schock, and Dennis Clark. Also present by phone was Abby Geroux, Secretary of the Board. Additionally present were Grant Bair and Greg Staloch, Supervisors of Windsor Township, Eric Russow property manager of the SE1/4 of 24-140-66, and Mike Allen.

The purpose of this meeting was to address the Application by Windsor Township for temporary drainage on the Southeast Quarter of Section 24, Township 140, Range 66, Stutsman County, North Dakota.

Grant Bair, Supervisor of Windsor Township addressed the Board. The Township's goal is to get the water down off of the farm to market road between 1 foot to 1½ feet. This is a heavily trafficked road used by farmers to safely haul equipment. The Township was looking at doing a temporary measure to widen the existing culvert area. He indicated the direction the water would flow would be onto the land managed by Eric Russow and then into a drainage system. There would not be any further affects with any other property downstream. The water eventually flows to Pipestem.

Mr. Bair explained that this particular issue was fixed approximately six (6) or so years ago. They were able to deepen the area to allow for the water flow.

Mr. Bair indicated that in the fall they had cleaned out all of the culverts downstream and the area would be ready to go for the water to flow. He explained that the last time that they did this, it took a significant period of time to lower the culvert.

Mr. Russow indicated that he would like to see a more permanent solution so that they would not have to obtain a temporary solution for the road being underwatering the future. He noted that this would have a negative impact on his land by reducing the amount of farmland available because of the additional water flowing through the slough. He mentioned that

it may be necessary to install a control structure but was in favor of doing a permanent fix.

Greg Staloch, Windsor Township Supervisor indicated the State provided approval the last time which appeared to be back in 2011. It was also explained by Grant Bair this approval was of a temporary nature and only had a certain period time before they had to fill in the work they did previously.

There was discussion regarding if this matter was properly before the Board. Ms. Geroux noted that the Application indicated the area affected was approximately 50 or so acres of water and that is why the matter was presented before the Water Resource Board. At this point the State Water Commission had not been notified. Arlyn Schmidt raised the concern of whether the State Water Commission should be involved since the State was involved last time.

Dennis Clark inquired whether all of the downstream landowners were okay with it. Mike Allen who is leasing the property from the property manager, Eric Russow, indicated that they were okay with it. There was some additional discussion that it would be important to get this done quickly as the ground is currently hard enough to support the equipment to do the digging and there is concern that once the ground warms up to a certain point that it would be impossible to get equipment in the area.

Grant Bair further explained that this area had been underwater for approximately eight (8) to nine (9) months. At the time they had some discussions with the local Water Resource Board and he explained that it was likely underwater before that time. John Schock encouraged the township to apply for a permanent solution to this problem with the State Water Commission.

At this point Arlyn Schmidt moved and Dennis Clark seconded a motion to approve of a temporary permit pending State Water Commission approval if necessary. Ms. Geroux indicated that she would contact the State Water Commission as soon as she was done with the meeting to determine if they would need go through their approval process for this matter.

There was further discussion on the motion to explain that the Stutsman County Water Resource Board would be willing to do a temporary approval but that they felt that it may be necessary for the township to obtain permanent approval from the State Water Commission.

Grant Bair noted the location of the slough looks bigger than it is because the slough was raised up a lot. Anthony Roorda noted that if the flow of the water goes through Pipestem, it might be considered of statewide significance which may require a lengthier approval process for a permanent

application.

Since this hearing was held telephonically the Board did a role call vote. Anthony Roorda, John Schock, Joel Lees, Arlyn Schmidt, and Dennis Clark all voted in favor of the motion. Motion passed.

Joel Lees further clarified this would be for a period of six (6) months and there would be a possibility of extension and explained that the concern of the Water Resource Board was to get the road out of the water on a temporary basis.

Eric Russow then questioned his role in this process. The Board indicated that they were only approving something of a temporary nature at this time and that he would be a part of the discussion for any potential permanent structure. Mr. Russow did indicate his desire to be involved in any permanent structure on the farm to market road.

Grant Bair inquired whether they should have the work done at this point and time. The Water Resource Board cautioned him that since Ms. Geroux will be contacting the State Water Commission, if they do find that it is necessary for them to get approve from them then there might be consequences involved with conducting any drainage prior to obtaining approval.

Arlyn Schmidt inquired who was involved in the 2011 application and requested Ms. Geroux to look through her files to determine if the prior application was with the local Water Resource Board. John Schock then noted that during the 2011 time frame a lot of approvals were getting obtained through the Natural Resources Soil Conservation and it sounded like the approval here was very similar to what he experienced for other roads in his area. NRCS required the drainage area to be placed back into its original state after a certain period of time. Ms. Geroux then cautioned that approval from NRCS may be required if this area is considered a wetland and that Windsor Township would need to obtain their approval for that if necessary.

Seeing no further business before the Board Arlyn Schmidt moved and Anthony Roorda seconded a motion to adjourn. Motion passed.

RESPECTFULLY SUBMITTED:

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ABBAGAIL GEROUX  
Secretary

**BOARD APPROVAL OF MINUTES**

The board approved the minutes this \_\_\_\_ day of \_\_\_\_\_,  
2020.

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JOEL LEES, Chairman, or  
ARLYN SCHMIDT, Vice-Chairman