

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

**SPECIAL MEETING**

April 24, 2020

A special meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on April 24, 2020, at 1:30 p.m. via telephone conference. Members present by telephone were Joel Lees, Arlyn Schmidt, John Schock, and Dennis Clark. Anthony Roorda was absent. Also present by phone was Abby Geroux, Secretary of the Board. Additionally present were Dan Jasmann, Marlyn Bertsch, Duane Haskin-Supervisor of Bloom Township, Jackie Nannenga, Terry Schwartz-Supervisor of Fried Township, and Matt Lindsay of the State Water Commission.

The purpose of this meeting was to conduct a hearing at the request of Bloom and Fried Townships for one (1) Emergency Drain Application. For Surface Drain Sections 5 and 6, Township 140, Range 63, Stutsman County, North Dakota, the South Half of Section 33, Township 141, Range 63, and the East Half of Section 32, Township 141, Range 63, Stutsman County, North Dakota.

Matt Lindsay made an opening statement. He explained the temporary permitting process, requirements, and regulations. Mr. Lindsay requested clarification on the individuals present by telephone who had an interest in this permit. Terry Schwartz indicated that he represented Fried Township as a Township Board Supervisor. Duane Haskin indicated that he represented Bloom Township as a Township Board Supervisor. Landowners present were Jackie Nannenga and Dan Jasmann.

The Township Board Supervisors responded to a number of questions presented by Matt Lindsay. Mr. Schwartz explained that their request for a temporary drain was because of high water on the road between the boundary of Fried and Bloom Townships. He explained that if the temporary permit was not approved, they anticipate that the road will become impassable. The road in question is 38<sup>th</sup> Street Southeast.

Dan Jasmann, landowner in the area, indicated that there has been an issue of high water. Five (5) years ago, they had a similar issue that they are presenting to the Board today. At the time, they requested a temporary permit in which they placed a ditch under the road which allowed the water to flow but they were required to plug. This is a request to remove that plug

which would allow the water to flow eventually to the James River. It was explained that the risk of overtopping was mostly at 38<sup>th</sup> Street Southeast and also partially in the area of 82<sup>nd</sup> Avenue.

Further, it was noted that on Dan Jasmann's property which is located in the Northwest Quarter of Section 5. The water at currently 25-30 feet from his building. Duane Haskin explained that the area in question that they would like to drain starts on 87<sup>th</sup> Street along 30<sup>th</sup> until Section 32 in Fried. Then the water would flow under Highway 20 to the land owned by Jackie Nannenga and then it would pass through the land farmed by Dale Reimers.

Mr. Schwartz explained that they desire to remove block where the ditch was that was built previously. He noted that this ditch may have been filled in. They desired to remove about three (3) feet off the top of the water. Terry Schwartz estimated that the size of the area to be drained was approximately 160 acres. This would be to drop about two (2) to three (3) feet. Dan Jasmann noted that when he purchased Section 5, at the time there was only about twelve (12) to thirteen (13) acres he was unable to till and 145 tillable acres. Now with the amount of water flowing through the land he only has 65 tillable acres. The rest is all water.

The Bloom Township Board of Supervisors indicated that they were not aware of US Fish and Wildlife Easements. Mr. Schwartz indicated that he had not reached out to the Department of Transportation but they plan to use the culvert previously installed by the DOT. Mr. Lindsay indicated that because they planned on using an existing culvert there would likely not be a need to contact DOT. Mr. Lindsay does anticipate visiting with them. He noted that the DOT does require permits for work in their Right of Way under certain circumstances, although usually these permits are not usually needed. Mr. Haskin confirmed that all of the affected roads in the area were all township roads other than Highway 20.

The discussion then turned to approval from the downstream landowners. Terry Schwartz indicated that the downstream landowners have been contacted which were Jackie Nannenga, Dan Jasmann, and Dale Reimers. He indicated that most of the water would be going down a ditch and that the landowners indicated that they were okay with the project. He also noted that for the property involved, they had received the 1026 form from NRCS all indicating that the various land owners were approved to allow this drainage. Mr. Lindsay stated that he would reach out to the Army Corps. Of Engineers. He noted that he did not anticipate there would be an objection since they have had no objections with similar projects but noted there may be a requirement to

get a 404 permit and that the applicants look into that further.

The anticipated construction time frame would be as soon as approval was obtained. Mr. Schwartz explained that the area involved would be approximately 1500 feet or about three (3) miles for the water to drain from start to finish. They believe that the plug is on Jackie Nannenga's land which is the Southeast Quarter of Section 33, Township 141, Range 63. Mr. Haskin noted that the contractor is available most any time. It is anticipated that removing the plug would take approximately fifteen (15) minutes. The trouble would be with the contractor's ability to get to the plug in order to remove it.

At this time Mr. Lindsay opened up questions and comments to the Board. Arlyn Schmidt commented the Board looked at this project previously. If the project worked previously, it would likely work again this time. Mr. Haskin also noted that water is currently running over the road and if a culvert was placed in the area, the water would run right at the top of the road but not over.

Joel Less indicated that it might be a good idea for the township to pursue a permanent measure. There was discussion who would be the most appropriate to make that request for a permit. Ms. Geroux explained that generally the owner of the property involved would be the one to request the application. So, wherever their anticipated work to be done that would be the likely person to be requesting the permit. This could be both or either the landlord or the township wherever the ditch is located. Arlyn Schmidt recommended that the township make the request because maintaining road safety would likely be a more compelling application than a farmer who lost further acres.

Seeing no more comments by the Board Dennis Clark moved and John Schock seconded a motion to approve the temporary drain. Roll call vote was taken all Board members present voted in favor of the motion. Mr. Lindsay explained that a permanent drain can be applied for. He noted that he was not sure how the Army Corps. Of Engineers would feel with the permanent drain into the Jamestown Dam and he noted that there might be a potential Game and Fish issue with Carp getting into a slough.

Mr. Jasmann commented that if there was a permanent drain, this would allow for the causal flow of water through the area rather than have the water move the system all at once. Mr. Lindsay than inquired whether with the plug in place if the water is moving overtop of the area. Mr. Schwartz indicated that it was. So, he noted that even if with the plug in place the water is getting to the Jamestown Dam.

Marlyn Bertsch from Bloom Township also explained that the ability to drain this area is important for safety because there are all sort of kids driving the roads and concerned that they

would be driving these roads and area in a safe manner. John Schock then also noted that the culvert located under Highway 20 is likely smaller than a thirty (30) inch and it may be important for the DOT to look at increasing the size of that culvert to prevent impeding the flow water in this area in the future.

Seeing no further statements from the Board. Matt Lindsay made a closing statement. Arlyn Schmidt then moved and John Schock 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