

SPECIAL MEETING MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

April 26, 2021

The special meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on April 26, 2021 at approximately 10:40 a.m. The purpose of this special meeting was to conduct a site visit upon 93rd Ave SE and 7th Street SE, Courtenay, ND. The purpose of the site visit was to review Craig Barnes' request to conduct a hydrology study between the NE quarter of section 9 and the NW quarter of section 10, Township 114, Range 62, Stutsman County, North Dakota, upon 93rd Ave SE, which would also be affecting sections 3 and 4, Township 144, Range 62, Stutsman County, North Dakota. Members present were Anthony Roorda, Dennis Clark, John Schock, Joel Lees, and Arlyn Schmidt. Abbagail Geroux, Secretary of the Board, was also present. Additionally, Craig Barnes, Boyd McKenzie, Kurt Barnes, Dana Fletcher, Brady Schoeler, Terry Schoeler, Dustin Helmick, Austin Giummi, and Jeff McMillan were also present.

W-626 - CRAIG BARNES - REQUEST TO CONDUCT A HYDROLOGY STUDY IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 144, RANGE 62, STUTSMAN COUNTY, NORTH DAKOTA UPON 7TH STREET SE AND 93RD AVE SE

Joel Lees opened the meeting and requested Ms. Geroux provide a brief background of the request for the hydrology study, and also the purpose of the site visit today. Ms. Geroux explained that Mr. Barnes in November of 2020 filed a complaint of unauthorized drainage against the Corrine Township Board. At the time, the Water Resource Board heard the complaint and found that there was no unauthorized drainage. Subsequently, Mr. Barnes requested the Water Resource Board request a hydrology study of the area. Ms. Geroux explained that the Board has the ability to request a hydrology study from the State Engineer's office. Upon receipt of a request, the State Engineer's office will conduct a review of the watershed area, and determine the amount of water that should be flowing through the area of a particular road. The State Engineer's Office will not provide a specific culvert size or elevation, but the entity responsible for the road would be in charge of determining this information, by engaging an engineer.

Next, Joel Lees invited Mr. Barnes to present his concern

and specifically why he requested to have a hydrology study. He explained that currently the water is coming from the West on Section 9, at which point the water gets stuck going through the culvert under 93rd Ave SE and eventually backs up onto the property that Mr. Barnes manages, which is Section 3. The water then moves out towards Section 4, onto the land that Dana Fletcher farms. It was noted that at the end of Mr. Fletcher's property were some additional culverts to help manage the flow of the water. Mr. Barnes explained that for many years 7th Street SE has been a minimum maintenance road, and that he had been maintaining it. He believed in the last 50 years, perhaps about five times the road had been washed out and he had gone and put gravel back in the roadway. Mr. Barnes noted that in the summer of 2020 there was a large flood, which completely wiped out the road. At that time, he had requested to fix the road from the Township. The Township indicated no, that they would come and fix it. The Township then placed a large amount of rock in the area of the washout. Mr. Barnes is concerned about this rock. In particular, that this rock would cause issues with his vehicles, and he does not feel comfortable using the road to cross with his equipment. Mr. Barnes also indicated his concern that now the water will be backing up onto his property, because the 7th Street SE is completely flat and that the size of the culvert located under 93rd Ave SE is not sufficient. It was noted at the site visit that there does exist a culvert, which appears to be approximately 18 inches in diameter.

With the Board was present, it was noted that the culvert was dug out. The location of the culvert appeared to be below the natural lay of the land. Mr. Fletcher indicated that he had cleaned it out at one point and Mr. Barnes indicated that he had cleaned it out the culvert also at one point. Mr. Barnes indicated that the culvert under 93rd Ave SE could not keep up with the amount of water, and this was the basis for his request. Terry Schoeler, who sits on the Corrine Township Board, explained that the Board had concerns with the request. They did not have the funds to maintain every prairie and minimum maintenance road within the Township. They did not have sufficient funds, and so therefore, they had to fix every road to the best of their ability with the least amount of cost. If they fixed this 7th Street SE and 93rd Ave SE the way Mr. Barnes requested, they would not have sufficient funds to fix every road in the same manner. It was also noted that Mr. Barnes has access to his property by means of a different route and he did not necessarily have to use that road. Further, the Township Board expressed concern with attempting to modify the culvert that is in existence under 93rd Ave SE, because they were

concerned that the road was not sufficiently high enough to allow for a larger culvert to be placed under the road. They were concerned that if the culvert was placed where it was supposed to be, and of a larger size, as requested by Mr. Barnes, that the weight of the vehicles on the road would end up crushing the culvert.

Mr. Fletcher, who farms Section 4, indicated that this last summer there was a significant rain event. He indicated that the next day there did appear to be water sitting by the culvert, but the next day the water in the culvert did end up moving through and was not sitting on the land. It was also surmised that the water on Mr. Barnes' property was not just sitting on his land. Mr. Fletcher also indicated he took some elevation shots of the area, and it was noted that the location of the culvert was approximately 1 foot lower than the location of 7th Street SE. Mr. Barnes acknowledged during that rain event that the water did not sit on his land for an appreciable amount of time. Mr. McMillan also indicated that despite the large rain events which occurred in the fall and throughout the summer, he has consistently been able to farm the area just outside of the culvert since it has been out of CRP land, which has been the past 10 years.

Arlyn Schmidt asked how far East the water flows before it starts heading North. It was noted that there was a tree line running along 7th Street SE on Section 4, and it was noted that it was along that tree line. There was some discussion amongst the Corrine Township Board and Mr. Barnes about the ability to place a small amount of gravel over top of the rocks at Mr. Barnes expense to alleviate Mr. Barnes concerns to the impact of the rock on his farming equipment. There were also some questions raised by the Water Resource Board regarding what would happen if the hydrology study did not indicate that a larger culvert size was needed. It was again explained by the Board to Mr. Barnes that the State Water Commission was not going to be providing the size or elevation of any culvert that should be placed, but rather the CFS that would need to run through the area. It would be up to the Township Board to hire an engineer to determine the location and culvert size. Because this would be up to the Township Board, the Stutsman County Water Resource Board does not have the ability to require the Township to place a particular culvert size or place it in a particular location. Mr. Fletcher also presented his concerns that if a larger culvert was placed under 93rd Ave SE, he would also request that larger culverts be placed adjacent to his property further downstream, because he had concerns about the

amount of water that would need to flow through his land. He noted that at the last rain event, that there was a significant amount of water flowing through his culverts through this system, and therefore, if any culvert upgrade was to occur at 93rd Ave SE, he would request that his culverts be upgraded as well. There were also questions raised by Mr. McMillian about the placement of any new culvert, because the current culvert is located below ground level and likely, placement of a new culvert would be much higher.

The Board determined that they have sufficiently taken a look at the site. Anthony Roorda moved to adjourn the special meeting, and Arlyn Schmidt seconded the motion. Motion passed. The Board indicated that they would be making a decision at its Wednesday regular Water Resource Board meeting at 9:00 a.m., at the Stutsman County Courthouse.

RESPECTFULLY SUBMITTED:

ABBAGAIL GEROUX
Secretary

BOARD APPROVAL OF MINUTES

The board approved the minutes this ____ day of _____, 2021.

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