

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

July 1, 2021

The regular June meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on July 1, 2021 at approximately 9:00 a.m. in the Commissioner's Room of the Stutsman County Courthouse. Members present were Joel Lees, John Schock, Anthony Roorda, and Arlyn Schmidt. Dennis Clark appeared by phone. Abbagail Geroux, Secretary of the Board, was also present. Additionally, Donald Lorenz, Scott Legge of Barnes County Water Resource District, Bruce D. Anderson of Barnes County Water Resource District, Robert Odenbach, Alan Ruff, Ken Ruff, Dustin Krueger of the Stutsman County Soil Conservation District, Clydell Dockter, Ruben Schultes, Chris Korkowski of the North Dakota State Water Commission, Matt Carlson, Gary Carlson, Bob Martin, Greg Spenningsby as alternate of the Stutsman County Water Resource Board, BJ Kratz of the North Dakota Game and Fish Department, Mary Ellen Frey, Josh Hassell of Moore Engineering, Rosemarie Jasmann, Chris Gross of Moore Engineering, Jason Odenbach, and Barry Hazer were present. Shirly Kropp as the Auditor of the City of Spiritwood Lake, Jim Collins of the North Dakota Department of Environmental Quality, and Paul Halko of Arrowood-Spiritwood Lake appeared by phone.

MINUTES

The first order of business was to review and approve the minutes of the May 26, 2021 regular meeting. Upon review, a motion was made by Arlyn Schmidt and seconded by John Schock to approve the minutes as read. Motion passed.

W-632 - GARY CARLSON - APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM

The next order of business was to discuss the application to install a subsurface water management system by Gary Carlson. Additionally, Matt Carlson was present. They discussed the drainage area, as found in the application to be 166 acres, but they had agreed with their neighbors, Robert Odenbach, Jason Odenbach, and Barry Hazer, to not tile approximately 86 acres in the North half of their property. Mr. Hazer indicated they needed to have an agreement, and that the documentation needed to be part of the file as part of the approval process. It was discussed that the agreement for this North half did not impact the application before the Water Resource Board, because the

area for drainage was not contemplated by the accompanied maps. Further, the outlet for the project would occur within the property owned by Mr. Carlson, and the outlet then is immediately flowing water through a natural drainage way. Therefore, there was no requirements for any flowage easements regarding the property or the restrictions of that nature. Ms. Geroux explained to Mr. Hazer and Mr. Odenbach that they should visit with an attorney who could draw up the necessary paperwork for an agreement. They are welcome to provide a copy of that agreement to our office for our file, but that they should have the attorney record any agreement pertaining to the property with the Stutsman County Recorder's Office. The discussion with the Carlson's, Odenbach's, and Mr. Hazer did not indicate there was any concern with regard to the application before the Board. There was some discussion by Arlyn Schmidt to explain the positive impact of tiling on the property and neighboring properties. Based on further discussion and review of the application, Anthony Roorda moved and Arlyn Schmidt seconded a motion to approve that application as presented. Motion passed.

W-634 - CLYDELL DOCKTER - COMPLAINT OF UNAUTHORIZED DRAINAGE ON SECTION 34, TOWNSHIP 137, RANGE 69, STUTSMAN COUNTY, NORTH DAKOTA

The next order of business was the Complaint of Unauthorized Drainage by Clydell Dockter. Mr. Dockter noted that there appeared to be about a half mile of dirt work occurring on the Ruff's property. He noted everything was black dirt and there did not appear to be any residue. Mr. Dockter was concerned about the activity that was occurring in the area. He also noted there was a wash out in Logan County. The respondents, Ken and Alan Ruff, indicated that there was a wash out on their property, and the purpose of the dirt work was to replace the dirt from the areas that were washed out. It was noted in prior years the County had placed some rip rap on Highway 30. Mr. Dockter stated he was concerned there was going to be an increase in water flow, and that it could severely impact Highway 30. Again, Ken and Alan Ruff indicated that their property experienced some washed out gullies, and they put the dirt back to where it was before. Alan Ruff acknowledged using a scraper. He explained that he moved dirt about four scrapers wide, and noted that there were some areas that were so big that he would not be able to put a truck in. He explained that he put dirt work into the washouts. He also explained that there is a culvert under the road from Stutsman County to Logan County.

Arlyn Schmidt indicated he observed the dirt work, and acknowledged it did appear that someone had done work on the

property. Arlyn Schmidt also indicated that Mr. Dockter had requested he come take a look, and they both had some concerns about what work was done, but it was not clear based on what they observed. Arlyn Schmidt indicated he was satisfied with the explanation, he now understood the need for the dirt work by Ken and Alan Ruff, and that their explanation matched with what he saw occurring on the property. In particular, Arlyn Schmidt indicated that there was a wetland area on the Ruff's property, but it was clear that they had not done any work on or near that wetland, and so that was partly why the complaint was brought before the Board. Ken Ruff indicated that about a year to a year and a half ago there were trees that fell into the culvert, which significantly slowed down the flowing of water. He noted that they did remove those trees, and that may have also affected the anticipated water flow in the area. Alan Ruff did indicate that he did dig down deeper, about two feet, near the property line in order to slow the flow of water into the culvert. He stated he dug down an area approximately fifty by fifty feet, creating a ridge to slow down the flow of water into the culvert. Arlyn Schmidt indicated he understood what was happening and explained that the activities done by Ken and Alan Ruff made a lot of sense. The Board asked Mr. Dockter again based on their statements if he had any further concerns. Mr. Dockter indicated he did not. Based on this, Anthony Roorda moved and John Schock seconded a motion to find that there was no unauthorized drainage. Motion passed.

**CHRIS KORKOWSKI - NORTH DAKOTA STATE WATER COMMISSION -
FEASIBILITY STUDY ON SPIRITWOOD LAKE**

Next the Board heard a presentation from Chris Korkowski of the North Dakota State Water Commission on conducting a Feasibility Study on behalf of the Water Resource Board for the ability to drain Spiritwood Lake through Alkali Lake. Mr. Korkowski indicated that because of some significant personnel changes occurring within his office, he had been unable to complete all of the modeling necessary for a final project. However, he was very far with the project and wanted to update the Board on where he was at so they could start making some decisions about potential projects. Mr. Korkowski noted in particular that the culverts along seven-mile coulee are drastically undersized. He indicated that because of how flat the area is, it would take a significant amount of cost to develop those roads and size those culverts in a manner consistent with the flow of water. In response to some of the concerns of landowners present, he indicated that some of those crossings they may need to look at doing bridges rather than just a large culvert. Mr. Korkowski also indicated that in

conducting his modeling in terms of flooding, there were very few homes that would be affected by flooding and high-water times. Mr. Korkowski also noted that the roads along Spiritwood Lake should not be raised, as those roads could then act as a dam to keep water into Spiritwood Lake. At their current level they are not acting that way, but if there was any desire to raise it in the future, that could cause significant issues on the elevation of the lake. Mr. Korkowski provided some possible alternatives and the impacts on the area. There was some discussion regarding the most cost-effective way of managing potential flood issues. One was to buy out or offer to buy out the cabin owners who would be most likely susceptible to flooding. There was some discussion by the Board about engaging in some smaller projects, particularly through the Alkali Lake area, that could see modest benefits to both the purpose of Alkali Lake and to provide some assistance in alleviating some concerns during high water times. Mr. Korkowski indicated that some of these projects could provide modest benefit, but that would have to be further discussed and reviewed with the Board. Mr. Korkowski explained that because of the time frame, he is seeking an extension to the existing feasibility study project agreement. The agreement terms will go through the end of June, 2023, as per their department policy. Mr. Korkowski indicated he anticipated to have a completed project well before that timeframe, but that they put the end of the biennium as part of their department policy. Anthony Roorda moved and John Schock seconded a motion to approve of the extension. Motion passed.

There was some additional discussion between Mary Ellen Frey and Jim Collins regarding concerns with water quality. Mr. Collins addressed Ms. Frey's concerns. There was also discussion regarding the types of funding available for potential projects related to Spiritwood Lake. Mr. Korkowski indicated that most of the projects revolve around flooding concerns, and since the cost of mitigating flood concerns in Spiritwood Lake are significantly lower than any potential projects, this project would be considered low priority for flood projects, but that the priorities of the Water Commission may shift with the new direction of the change in the organization of the department.

BARNES COUNTY JOINT POWERS AGREEMENT - TEN MILE LAKE

Next the Board address the Joint Powers Agreement for Ten Mile Lake. Josh Hassel and Chris Gross of Moore Engineering presented to the Board. Mr. Hassel provided a brief overview of the project thus far. The Board then asked a number of questions regarding the project and notification of landowners in Stutsman County. There were also questions and discussion presented by

landowners at the prior meeting, indicating that they felt that their water was not flowing into Ten-Mile Lake. Mr. Hassel indicated that at low levels, the water in that area sits, but in higher events, the water splits going both ways into Spiritwood Lake and into Ten-Mile Coulee, and that is why they had proposed a draft assessment to Stutsman County properties at approximately five percent. It was noted that this particular project was 5.6-million-dollars. They have received some funding, and they are looking for additional funding for the project. Joel Lees explained some of the misconceptions that landowners have, and the difficulty in the approval process for these types of projects. Mr. Hassel also explained that in doing an assessment project, they can always remove individuals from the assessment, but they cannot easily add landowners into the assessment once it has been initially determined. In order to add land, there would need to be a reassessment process done, which could incur additional costs. Mr. Hassel explained that Moore Engineering worked through many different drafts, and identified the affected areas significantly ahead of the required schedule in order to provide additional time for landowners to ask questions and to provide comment. There was discussion by the Board regarding the level of involvement they would like to have on this particular joint board. There was also discussion regarding what happens to the joint powers agreement if the landowners do not vote in favor of it. Based on this discussion, Anthony Roorda moved and John Schock seconded a motion to approve of the Joint Powers Agreement, contingent upon including of a clause that terminated the agreement if the vote of the assessment fails to pass. Motion passed.

UPPER SHEYENNE RIVER JOINT WATER RESOURCE BOARD

Next, Dennis Clark indicated he wanted to discuss the last meeting of the Upper Sheyenne River Joint Water Resource Board. At the meeting, they addressed raising the amount of dues. Dennis Clark indicated that based on the discussion, it was his understanding that they were seeking to raise the amount of the dues from the equivalent of 1 mill to 2 mills. Dennis Clark indicated they did a preliminary vote and he voted against raising the dues. The Upper Sheyenne Board indicated they planned to revisit this at its August meeting, and wanted the individual Board members to talk to their respective Boards. There was again discussion regarding the amount of dues assessed. The Board requested Ms. Geroux obtain a written request of the proposal, explaining the amount of mills and a dollar figure that the Upper Sheyenne Board is seeking from the Board prior to giving a formal decision.

CHECK NUMBERS

- 1. Forum Communication Company - \$197.50 #2810
- 2. Dalsted & Ryan, P.C. - \$3,221.18 #2811

Anthony Roorda moved and John Schock seconded a motion to approve the bills and financials. Motion passed.

MISCELLANEOUS BUSINESS

Paul Halko indicated that he wanted to update the Board on the temporary application on Deer Lake, indicating that everything went smoothly for that application, and that there will now be a new manager out for Arrowood and Chase Lake, who will be Jake Hort, and asked that any future correspondence of the Water Resource Board be directed to Mr. Hort.

Seeing no further business before the Board, Anthony Roorda moved and John Schock seconded a motion to adjourn the meeting. Motion passed.

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