

SPECIAL MEETING MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

August 13, 2021

The special meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on August 13, 2021 at approximately 10:04 a.m. The purpose of this special meeting was to conduct a site visit upon the Northeast quarter of Section 33, Township 143N, Range 68W, Stutsman County, North Dakota. The purpose of the site visit was to review the complaints of unauthorized drainage submitted by Jerome Koenig and Cindy Schultes on behalf of Erika Schultz against Larry Loose. Members present were Joel Lees, Anthony Roorda, John Schock, Greg Spenningsby, and Arlyn Schmidt. Additionally present was Jerome Koenig, Conrad Schultz, Cindy Schultes, Jamie Clark, Dennis Clark, and Abbagail Geroux as Secretary for the Stutsman County Water Resource Board.

**W-635 & 636 - COMPLAINTS OF UNAUTHROIZED DRAINAGE BY JEROME KOENIG & CINDY SCHULTES ON BEHALF OF ERIKA SCHULTZ AGAINST LARRY LOOSE IN THE NE QUARTER OF SECTION 33, TOWNSHIP 143N, RANGE 68W, STUTSMAN COUNTY, NORTH DAKOTA**

The Board members made certain observations of the area near the pump. It appeared that the pump was located on or near part of the section line for Section 33. Cindy Schultes indicated that the pump appears to be operating continuously. She noted that the pump, after the July 28, 2021 meeting, was still on as of July 31, 2021. At that time, she noted that an individual went to the pump to turn it off. Subsequently, she noted that the pump had been on and off for the rest of the week. There was discussion by the Board regarding if the generator stays active, i.e., if water was present that the generator would be able to automatically restart. It was determined that likely the generator would kick on and off, but may not have the ability to start up without someone coming to take action. There were questions regarding the current status of the complaints, and the historical background. This information was provided to Anthony Roorda, as he was not at the last meeting, and also information regarding the status of the law and the recent law changes as they relate to tiling. It was also noted that there was another outlet identified as part of this tiling project that was not on the original plans. There was question raised regarding what percentage of the watershed

goes through the other outlet that was identified. Dennis Clark indicated that it would be approximately twenty (20) to thirty (30) acres going through that other outlet.

Greg Spenningsby asked who owned the fence line, and Cindy Schultes indicated that they owned the fence line, and that Jamie Clark has his crop on the other side of the fence line, but that on the Loose property, the crop is all the way onto the section line. Questions were raised if there was any issue with the fact that the pump may be located on the section line right of way. The Board noted that this would not necessarily be an issue for the Water Resource Board. Arlyn Schmidt asked if there was a culvert along the section line. Cindy Schultes indicated that there was no culvert, and that the cut in the land was there naturally. Anthony Roorda, Joel Lees, and John Schock then went to go view the pond located on the Schultz's land. Dennis Clark explained that there is a low area on the Schultz land and that typically along the fence they are able to farm it, but sometimes it requires them to re-seed. However, there are some years they are unable to farm when it is particularly wet. The concern is that if the pump is allowed to be maintained by Mr. Loose, then they would not be able to farm that land at all. Anthony Roorda made a motion to request Ms. Geroux to determine various options that the Board may have with regards to the new tiling law, specifically in regards to the pump. Arlyn Schmidt seconded the motion.

Arlyn Schmidt indicated that his concern was the pump, and that although he understands drain tiling is typically better for both the farmland that is being drained and the downstream landowners because tiled land holds more of the water, his concern was that there might be some additional water from underground that was getting pumped out through the system. Joel Lees and Greg Spenningsby then took a tape measure to measure the depth of the well associated with the pump. It was noted that the depth of the pump was at tile level. It was noted that it was approximately four (4) feet to the water, ten (10) feet to the bottom, and when they put the tape measure down to the bottom of the well, it appeared that the bottom was solid because they could hear a clicking noise. It was also noted that the tile pipe was located near the bottom of the well.

There was also some discussion regarding the natural drainageway of the land. It appeared that there was a berm located on Schultz's property. It was noted that on one side of the berm the water stays on the Schultz's property, and on the other side of the berm, the water drains into Barnes Lake.

Dennis Clark explained that you cannot take the berm out because it would allow the water to drain back into the low area and would not drain into Barnes Lake. It was noted that when the water goes over the berm, it does go into Barnes Lake. Dennis Clark also explained that the water will pool before the berm and it does hold water in the spring. Seeing no further discussion as this time, Joel Lees called for a vote on the motion before the Board. Motion passed.

Greg Spenningsby then asked if Ms. Geroux could request a final copy of the drain tile as it was put into Mr. Loose's land. The Board also measured the potential location of the pump from the fence line. It was noted that if the fence is the center of the section line, then the pump is clearly on Mr. Loose's property. Further, the Board reviewed some additional maps which showed that the center line of the property could also be the post with the trail camera on it, which would make the pump clearly on Mr. Loose's property. Additionally, Mr. Spenningsby located a U.S. Fish and Wildlife Services National Wetlands Inventory map, which Board members reviewed to get a better sense of the layout of the land. This map will be included in the complaint documents.

Seeing no further business before the Board, Anthony Roorda moved and Arlyn Schmidt seconded a motion to adjourn. Motion passed at 11:02 a.m.

RESPECTFULLY SUBMITTED:

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ABBAGAIL GEROUX  
Secretary

**BOARD APPROVAL OF MINUTES**

The board approved the minutes this \_\_\_\_ day of \_\_\_\_\_, 2021.

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