

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

October 25, 2023

The regular meeting of the Stutsman County Water Resource Board was called to order by Chairman, Joel Lees, on October 25, 2023, at approximately 10:00 a.m. in the Commissioner's Room of the Stutsman County Courthouse. Members present were Joel Lees, Arlyn Schmidt, John Schock, and Anthony Roorda appeared by telephone. Additionally present were Greg Spenningsby and Abbagail Geroux, Secretary of the Board.

Members of the public were present, as shown on the attached list.

MINUTES

The first order of business was to review and approve the minutes of the September 27, 2023, regular meeting. Upon review, a motion was made by John Schock and seconded by Arlyn Schmidt to approve the minutes as presented. Motion passed.

W-647 - MIKE ALLEN - APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM - NE1/4, SE1/4, AND SW1/4 OF SECTION 26/140/65

Mr. Allen presented a tiling application for the Northeast Quarter, Southeast Quarter, and Southwest Quarter of Section 26, Township 140, Range 65 in Stutsman County, North Dakota with an outlet to be on the Northeast Quarter of Section 26. The total land area to be tiled is going to be 358 acres. The water would be pumped into an existing drainage way along the ditch. This water would then move on to Larry Woehl's property. Mr. Allen indicated he had contacted Mr. Woehl and he did not have any concerns regarding the tiling. Our office did attempt to mail him a copy of the notice of the meeting, as well as the application, at the address Mr. Woehl provided, however, the mail was returned because the address Mr. Woehl provided was insufficient.

Mr. Allen addressed the board indicating the purpose of the tiling was to help with low spots on his property. He anticipated doing the work himself if he was able to.

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Seeing no further opposition to the tiling application, John Schock moved and Arlyn Schmidt seconded a motion to approve the tiling application with the conditions set forth in the North Dakota Century Code. Motion passed

CRYSTAL SPRINGS LAKE AND STINK LAKE

Next, the board addressed the water issue with Crystal Springs Lake and Stink Lake. Ms. Geroux provided an overview of the status of the area and prior conversations that were had between the Stutsman County Water Resource Board and various interested parties. Josh Loosmore presented to the Stutsman County Water Resource indicating the effect for a multi jurisdictional approach to the development on a project. He also indicated that they planned on presenting a request for an application for temporary drainage in the future.

Mr. Loosmore indicated that the desire is to drain the Crystal Springs Lake and Stink Lake area and not to lower the level of the lake, but to maintain the lake levels so that it would not continue to cause flooding. Mr. Loosmore indicated that their initial thought would be to try to place the drainage on the west side of Crystal Lake or Stink Lake and have the drainage move either through the railroad right of way to the highway in Dawson. The water could then run parallel to Lake Isabel, then to Long Lake, and then into Apple Creek, which would make its way into the Missouri River. Mr. Loosmore indicated it is anticipated that the amount of water that would flow through the system would be insignificant compared to the existing water moving through the watershed area.

Mr. Loosmore acknowledged the concern of moving water from one body of water into the watershed of another. He also acknowledged that there would likely be some landowners downstream who would have concerns about this project moving forward.

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Ms. Geroux then provided the members present with various options to look into for reviewing the feasibility of the project. One would be to do a Feasibility Study with assistance from the Department of Water Resources. Board members also expressed concern regarding the significant timeframe and cost for any large project. The board members of the Stutsman County Water Resource Board explained the various hurdles that this project could have with regards to landowner opposition and the ability to fund such a project.

Board members indicated that their familiarity with many of these projects was regarded assessment drain, which ultimately were not successful. There was also some discussion regarding if it was possible to use any other water for irrigation purposes. Mr. Loosmore indicated likely the amount of water running through the proposed project would not be sufficient for irrigation. Arlyn Schmidt indicated that the biggest stake holder would be the railroad and the highway. Arlyn Schmidt asked if Mr. Loosmore had any contact with either of those entities. Mr. Loosmore indicated that he was aware previously the railroad attempted to do this a few years ago, however, he was unable to make direct contact with the railroad and indicated he visited with Houston Engineering requesting them to get in contact. Ms. Geroux indicated that the DOT did not have this type of project on their radar because their funding is to build up roads.

Greg Spenningsby indicated that it appeared that before any potential project could move forward, Mr. Loosmore would need to insure that the railroad was on board with using their right of way to drain the water. Arlyn Schmidt also explained that there have been a number of attempts previously to do some sort of drainage project, including some potential pumping, but all of those efforts had been abandoned for one reason or another which arose with the railroad and the Highway Department having to build up the railroad and highway to avoid water concerns.

Donavan Hoffer, a member of the Kidder County Water Resource Board, indicated that the area which Mr. Loosmore is proposing to put this drainage through is an area in Tappen and this area is all sand and it cannot handle any more water. Currently, the area is experiencing flooding now and any more water through the area would cause increased flooding of some of the buildings.

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BJ Kratz from North Dakota Game and Fish also acknowledged that there would be some potential concerns with crossing the watershed and also noted that this type of drainage would be considered of statewide significance and would require approval of many state and federal agencies prior to approval of the project.

Mike Moser, who resides near Medina, addressed the board indicating that the board was assuming that this issue was just with Crystal Lake. Mr. Moser indicated that recently they had a culvert go out near his property. They put in significant drain tile around his property and they are now pumping year round due to the amount of water in the area. Board members indicated while they appreciate that there are other areas that are likely experiencing high water, and the only other individuals who have expressed concerns are those related to the Crystal Lake Campground.

There was also discussion with the Kidder County Water Resource Board regarding the next step. Ms. Geroux indicated that if the Water Resource Board desires to utilize the tools available to them, likely they would need to create a joint Water Resource Board and with the joint board seek out the assistance of the State to conduct a Feasibility Study. Members of the Water Resource Board indicated they would likely need to visit with the Kidder County Board and there was some discussion regarding a requirement that their board pay for the cost of surveying. Ms. Geroux explained that typically the State would not pay for the cost of surveying, but if there were other interested parties willing to pay for it, that could likely be accomplished through an agreement.

Donavan Hoffer of the Kidder County Water Resource Board expressed concerns on why the respective Water Resource Boards should be utilizing taxpayer dollars to conduct a Feasibility Study when the request is coming up from an entity seeking to drain water onto various properties in Kidder County.

The board members noted that the Kidder County Water Resource Board would have to determine if they thought that this was an appropriate project and expense for them to take on.

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It was noted that this would tentatively be addressed again at the next Water Resource Board meeting scheduled for November 29, 2023. John Schock moved and Arlyn Schmidt seconded a motion to approve authorizing Abby Geroux to contact the State and obtain more information regarding the scope and costs of the potential Feasibility Study. Motion passed.

MISCELLANEOUS

Next, the board addressed the hypolimnetic drawdown. It was noted that this item was not on the Water Resource Board's agenda and the board did not anticipate taking action at this time. BJ Kratz from the North Dakota Game and Fish addressed the board, indicating that the last week of September the project was installed and in the first week of October, the control structure was put into place. Mr. Kratz explained that testing occurred on the project for four days, which was shut down on Tuesday. Mr. Kratz indicated that the maximum volume of water that could be moved through this system was going to be 10 cfs and likely will be continually operated between 2 and 4 cfs. He explained that at the level of 2 cfs, it would lower the lake level by one foot over 195 days. Mr. Kratz indicated that the City of Spiritwood Lake will operate the structure in conjunction with the Department of Environmental Quality. He states that the City would take samples on a weekly basis, but it might take more samples initially. Mr. Kratz indicated that the biggest concern regarding the quality of the water is the ammonia content which is something that DEQ will likely be monitoring. Kevin Szarkowski, who is a landowner adjacent to where this draw down structure was installed, expressed various concerns. He indicated that it appeared that the project was not following the engineering study that was done as part of the application process. He noted that the information presented at those meetings was that there would be cattails where this water would move through, which would then fix this cleaning up the quality with the water. He noted that a number of cattails have been removed allowing the water to move through seven mile coulee without going through that cleaning process.

He indicated that the stop log was leaking. He claimed that he could hear and see the stop log leaking. He also expressed concerns that the water was pumping below the levels that were set by the engineering report. It was noted that the engineering study that was conducted was for purposes of

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approving of the plat. It was not the basis for how the draw down structure would operate instead of the permit itself identified as an Operating Plan as to how this hypolimnetic drawdown system was to operate. Ms. Geroux indicated she will get this Operating Plan up on the Stutsman County website and provide a copy to Mr. Szarkowski so that he may further review. This matter may also be addressed at the November 29, 2023, meeting if Mr. Szarkowski continues to have concerns. Mr. Kratz noted that during the meeting for the appraisal process, there was discussion regarding the need to cut a channel for the project and that was why a certain amount of cattails had been removed. Mr. Szarkowski felt that the City of Spiritwood Lake should not have been allowed to test the project and he had made contact with Matt Lindsay, who indicated he would look into the matter.

Again, the board indicated that since this was not added to the agenda at this time, they would not take any formal action, but if Mr. Szarkowski continues to have concerns, they would address it and place it on the agenda for the November meeting.

The board noted that two of its C.D.'s will be coming due on November 13, 2023. The C.D.'s are currently held at Unison Bank. It was noted that the C.D. rates are for the 10 month C.D., but the board currently has C.D.'s at 4%, but it will be moving to 3%. It was noted that Unison Bank has a higher rate for C.D.'s in a 6 month and 15 month option. The board felt based on its current financial, to place the \$65,000.00 in a 15 month C.D. and \$23,000.00 in a 6 month C.D. The board noted that it has currently approximately \$40,000.00 in its checking account and does not anticipate use of those funds to cover any sort of short term deficit.

Upon discussion, Anthony Roorda moved and Arlyn Schmidt seconded a motion to approve Abby Geroux and either the Chairman or Vice-Chairman to take the necessary actions to move the \$65,000.00 into a 15 month C.D. and the \$23,000.00 C.D. into a 6 month C.D. at Unison Bank. Motion passed.

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Next, the board reviewed its bills and financials. Ms. Geroux discussed the 2021 audit and bill, which was also presented to the board at this time. Arlyn Schmidt moved and John Schock seconded a motion to approve the bills and financials. Motion passed.

CHECK NUMBERS

- 1. Dalsted & Ryan - \$710.00 #2914
- 2. Office of the State Auditor - \$3,578.00 #2915

There was discussion regarding the Board's December, 2023, meeting. The December meeting is held typically on the last Wednesday of the month, but they hold it at 4:00 p.m. rather than 10:00 a.m. The board indicated the desire to maintain the meeting on December 27, 2023, at 4:00 p.m.

There being no further business before the Board, Anthony Roorda moved and John Schock seconded a motion to adjourn the meeting. Motion passed. The meeting was adjourned at approximately 12:38 p.m.

RESPECTFULLY SUBMITTED:

ABBAGAIL GEROUX
Secretary

BOARD APPROVAL OF MINUTES

The board approved the minutes this ____ day of _____, 2023.

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