

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

November 29, 2023

The regular meeting of the Stutsman County Water Resource Board was called to order by Vice-Chairman, Anthony Roorda, on November 29, 2023, at approximately 10:00 a.m. in the Commissioner's Room of the Stutsman County Courthouse. Members present were Arlyn Schmidt, John Schock, Anthony Roorda, and Dennis Clark. Joel Lees appeared by telephone. Additionally present were Greg Spenningsby and Abbagail Geroux, Secretary of the Board.

MINUTES

The first order of business was to review and approve the minutes of the October 25, 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.

CRYSTAL SPRINGS LAKE AND STINK LAKE

Ms. Geroux provided an update of various projects that have been ongoing before the board. Ms. Geroux provided an update on the Crystal Springs Lake and Stink Lake matter. Ms. Geroux indicated that she had made contact with Alexis Faber who is in the Investigations Unit of the Department of Water Resources. She explained that Ms. Faber anticipates reviewing the documentation she received last week from Josh Loosmore and once she has reviewed that paperwork, she will then be willing to reach out to our local board to discuss a potential feasibility study. Ms. Geroux also indicated she had received correspondence from Donovan Hoffer, who is a member of the Kidder County Water Resource Board, indicating that Kidder County was not interested in participating financially in a feasibility study, but was willing to participate in meetings regarding the project for the future. Ms. Geroux also had conversations with Mr. Loosmore to see if he had made any additional contacts as was discussed at the October meeting. At this point, Mr. Loosmore had not been able to make contact with the railroad.

Arlyn Schmidt did request to make a clarification regarding the railroad's previous desire to look into drainage in the area. Arlyn Schmidt indicated that it was his belief that it was back in 1993 to 1994 that the railroad approached the

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Stutsman County Water Resource Board about the feasibility of piping the water. At the time the railroad representatives indicated that they would be visiting with various stakeholders about doing a piping project, but the Stutsman County Water Resource Board never heard back from them again and in fact, the railroad ended up raising its railroad and the road in the area even since. Arlyn wanted to clarify this because in prior minutes it appeared that this conversation appeared more recently. Arlyn recalls that this happened back some 30 years ago.

Ms. Geroux then requested guidance from the board on how they would like to move forward with the project. John Schock moved and Dennis Clark seconded a motion to set up a meeting with Alexis Feber whenever she is ready, which could be in person or by phone, so long we are not expecting any additional costs involved to the board at that time. Motion passed.

The board then discussed a potential timeline on when they would be willing to have Ms. Faber present to the board. It was noted that it appeared to be preferable to invite Ms. Faber to the board next spring.

Ms. Geroux also then alerted the board regarding Keven Szarkowski's complaint regarding the Spiritwood Lake drawdown project. She indicated that she received correspondence from Mr. Szarkowski expressing his desire not to make any further requests of the board at this time.

Greg Spenningsby did raise a potential concern regarding the number of testing locations. He indicated he was not sure how many testing locations were required under the operating plan and requested that be reviewed. There were also questions raised about who would conduct the sampling and John Schock expressed a desire that someone from North Dakota Game and Fish conduct the sampling on the particular project.

Ms. Geroux discussed with the board the decisions that were on appeal to the Department of Water Resources. She noted that the board received three decisions on appeal, the first being an appeal on a drainage complaint filed by Redge Nohrenberg. In this matter, the Department of Water Resources affirmed in part and reversed in part the District's July 17, 2015, decision. The documentation from the Department of Water Resources

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indicated that they are requiring certain areas of unauthorized drainage to be closed and that the Department of Water Resources would be taking jurisdiction to insure that those are closed.

Next, was the drainage appeal filed by James and Jacqueline Nannenga. In this case, the Department of Water Resources reversed the Stutsman County Water Resource Board decision, finding that there was insufficient basis to find there was unauthorized drainage under State law.

Third, was the drainage appeal filed by Barry Hazer, wherein the Department of Water Resources affirmed the Stutsman County Water Resource Board's decision, finding there was insufficient evidence to show that unauthorized drainage occurred.

Based on these reports, the board decided to take no action as this time.

UPPER SHEYENNE JOINT WATER RESOURCE BOARD

Dennis Clark addressed the board regarding the Upper Sheyenne Joint Water Resource Board. He noted that the Upper Sheyenne Joint Water Resource Board was moving forward with their bank stabilization project. It was noted that a potential concern arose regarding three culverts on property on the Lone Tree Wildlife Refuge. These culverts allow for a road which appears to be rarely used, if at all, but the engineer indicated that it would take over \$400,000.00 to replace those particular culverts, but it would likely cost approximately \$40,000.00 to \$50,000.00 to remove the culverts and allow the water to drain naturally.

Dennis Clark indicated that Lone Tree was okay with the removal, but there were questions raised about who should be the appropriate party to pay for the cost of removal of the culvert. Dennis indicated he anticipated attending the next Upper Sheyenne Board meeting where this matter would likely be discussed and decided.

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Next, the board reviewed its bills and financials. Ms. Geroux also noted that the C.D.'s were successfully transferred over at the rate that the board had approved at the last board meeting. Dennis Clark moved and Arlyn Schmidt seconded a motion to approve the bills and financials. Motion passed.

CHECK NUMBERS

- 1. Dalsted & Ryan - \$2,211.50 #2916
- 2. ND Water Resource Districts Ass. - \$675.00 #2917
- 3. Office of the State Auditor - \$3,065.15 #2918

The board then discussed its December meeting, which is scheduled for December 27, 2023, at 4:00 p.m.

There being no further business before the Board, Arlyn Schmidt moved and John Schock seconded a motion to adjourn the meeting. Motion passed. The meeting was adjourned at approximately 11:13 a.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