

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

**SPECIAL MEETING**

April 9, 2020

A special meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on April 9, 2020, at 11:30 a.m. via telephone conference. Members present by telephone were Joel Lees, Arlyn Schmidt, Anthony Roorda, John Schock, and Dennis Clark. Also present by phone was Abby Geroux, Secretary of the Board. Additionally present were Grant Bair, Supervisor of Windsor Township, Eric Russow property manager of the SE1/4 of 24-140-66, Mike Allen, and Matthew Lindsay of the State Water Commission.

The purpose of this meeting was to conduct a hearing at the request of Matt Lindsay of the State Water Commission for the approval process for a temporary drain in the Southeast Quarter of Section 24, Township 140, Range 66, Stutsman County, North Dakota. Matthew Lindsay conducted the hearing and made opening statements.

At this point, Grant Bair responded to a number of questions provided by Mr. Lindsay. Mr. Bair explained that the purpose of the temporary drain is because the farm to market road is currently underwater. Thus, this road is preventing the ability for the use of ambulances, mail, bus route, and its use for transportation of heavy machinery for farmers in the area. Mr. Bair noted that a couple of weeks ago that there was a semitrailer tipped over because the semitrailer was unable to move through the road. He indicated that even though the road has been blocked off, they are having issues with people still attempting to drive through this route and there are safety concerns. Mr. Bair noted that all other routes are low maintenance and are considered prairie roads. Alternate routes are quite circuitous. It was noted that this is a township road but is more heavily traveled than county roads within the same area.

Joel Lees noted that the Stutsman County Water Resource Board had conducted a special meeting on April 6, 2020 where this area and concerns presented by Grant Bair were more thoroughly discussed by the Board and noted that the Board had made a recommendation to approve of any temporary drainage

pending State Water Commission approval if necessary.

Grant Bair further explained the location of the proposed drain. It is anticipated that the area is located about 400-600 feet off of the township road where the slough naturally fills out and spills over. At this point, the water then travels approximately 600-700 feet through a road dividing Windsor Township and Eldridge Township. From there it runs through a creek and into a natural waterway where the water would move through culverts and then through pasture. Mr. Bair indicated that this additional water would not have a negative impact on anyone's land. He anticipated digging down in the area approximately 1-1.5 feet. Mr. Bair indicated that the road is currently under about a foot and a half of water and would like to see the water in the area be drained down 3.5-4 feet.

At this point, there was some discussion with Grant Bair and Matt Lindsay regarding the approximate size of the amount of water to be moved. It was noted that a rough estimate of 200 acre feet would be about the maximum amount of water that it would be moved. Mr. Bair indicated that he was also not aware of any Wildlife Easements and that the owners of the property where the water would flow through initially were in agreement. Eric Russow who is the representative of the downstream landowners indicated that they are okay with a temporary drain. Grant Bair indicated that he spoke with Eldridge Township to ensure that they are okay with this drainage. Mr. Bair indicated that he believes that NRCS was contacted. Matt Lindsay also noted that the Army Corp. of Engineers may also need to be contacted and may require a 404 permit for any waters that may be affecting Pipestem. It was also noted that the work would begin on the project as soon as approval was obtained. Mr. Bair noted that all ditch work downstream was completed in anticipation of the ability to get the water drained.

Matt Lindsay then discussed with Mr. Bair the area of the ditch based on an aerial view which shows an existing ditch on the Northeast Quarter of the slough to be drained. It was confirmed that that this was the area that Mr. Bair anticipated doing some digging so that the water would naturally flow towards 72<sup>nd</sup> Avenue.

Next Mr. Lindsay opened up comments to members of the Board or any other members of the public present. Joel Lees noted that this had already been discussed at the special meeting on April 6, 2020. Mike Allen who is the tenant of the downstream landowner wondered if it was possible to make this a permanent structure as it would be likely this type of road overtopping would happen again. There was some further discussion regarding the process of obtaining a permanent approval for any drainage and also the length of time of any temporary permit that may be

approved.

At this time, Matt Lindsay then closed the hearing with a closing statement.

After the closing the of the hearing, there was some additional discussion regarding the appropriate process for handling these temporary drain permits as John Schock was aware other townships might be interested in going through this process. Ms. Geroux noted that this particular approval process was unusual because the permit was presented to the Stutsman County Water Resource Board and indicated that the watershed area was only 50 acres and therefore it would be in the jurisdiction of the Water Resource Board. However, based on a review with the State Water Commission it appeared the area was above 80 acres and therefore, this unusual process occurred in this case. Normally if there is a watershed area of over 80 acres these applications would go straight to the State Water Commission.


Seeing no further business before the Board Arlyn Schmidt moved and John Schock seconded a motion to adjourn. Motion passed.

RESPECTFULLY SUBMITTED:

  
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ABBAGAIL GEROUX  
Secretary

**BOARD APPROVAL OF MINUTES**

The board approved the minutes this 29th day of April, 2020.

  
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JOEL LEES, Chairman, or  
ARLYN SCHMIDT, Vice-Chairman