

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

September 25, 2024

The regular meeting of the Stutsman County Water Resource Board was called to order by Chairman, Joel Lees, on September 25, at approximately 10:00 a.m. in the County Commissioner's Room of the Stutsman County Courthouse. Members present were Joel Lees, Dennis Clark, and John Schock. Anthony Roorda was present by telephone.

Additionally present were Dennis Loewen, Jerry Loewen, Michael Rexin and Terry Suckut. Also present was Melissa Magnuson and Abigail Geroux, secretary of the Board.

MINUTES

The first order of business was to review and approve the minutes of the August 28, 2024, regular meeting minutes. Dennis Clark moved and John Schock seconded a motion to approve the minutes as presented. Motion passed.

W-656 LOEWEN, Dennis - Complaint of Unauthorized Drainage

Mr. Loewen claimed that there was unauthorized drainage happening on property in Sections 34, 35, and 36, Wells County and unauthorized drainage on the East Half of Section 4 in Stutsman County. Mr. Loewen complained that the unauthorized drainage happened years ago, however, the impact of the drainage is now being felt currently. They have approximately 260 or more acres under water. There is also some concern that a road identified as 8th Street located a few section lines down is also washed out due to the high level of water, making it difficult for the Loewens to access property located on Section 16 in Lowery Township.

Michael Rexin was present and indicated that he either owns or rents the land in the area where Dennis Loewen is complaining about. Mr. Rexin denied doing any drainage on the land. Mr. Rexin also indicated that some of the land that he owned or rents is lower in elevation than the Loewen's property. Dennis Loewen explained that he believed that most of the drainage happened back in the 1980's with Willis Seibold. Ms. Geroux did provide paperwork to the parties explaining that the Water Resource Board did previously hear a complaint between Dennis Loewen and Willis Seibold wherein the parties agreed that Mr.

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Seibold would fill in three drains located in Sections 35 and 36 in Wells County and Mr. Loewen would remove a dike or dam that he placed on his property in Section 6.

Mr. Rexin explained that he was back working on the farm in 2012 and as of 2012 he has not conducted any drainage on the property and in fact some of the property does have Conservation Easements, in particular, he indicated the North Half of Section 35 has had a Conservation Easement for 30 years and the South Half of Section 35 and 36 has an Easement since 2018 and he also indicated that the Northwest Quarter of Section 36 has no Easements on it. Mr. Rexin also explained that he is on the Lowery Township Board and expressed that there is a number of water issues in the area. He also has indicated he has lost approximately 300 acres to water and that there are a number of roads that are under water or will likely be under water. He noted that eventually the water does get into the Pipestem, but it is a very slow process. He would like to see something done to see if the water could get moved more efficiently to the Pipestem instead of flooding out all their land.

The board inquired of Mr. Loewen what it was he would like to see happen. It was noted that they would like to see that the water coming onto their property, which is washing out their land, be diverted so that it was not impacting their acreage. Also there was a question regarding whether the dam that was in place was still in existence and they explained that the dam was partially flooded out because of all of the water.

The board then also discussed with the parties various options regarding water issues. One is conducting a feasibility study to see if there would be a potential way of solving any issues, emergency drainage applications or permanent drainage applications, and the procedures for those.

Ms. Geroux also discussed with the board one of the concerns on this particular complaint was that the allegation of unauthorized drainage is occurring on property located in Wells County rather than in Stutsman County and there is no clear guidance regarding which entity should be handling the unauthorized drainage, but that it would be appropriate and proper to include Wells County on this complaint. John Schock moved and Dennis Clark seconded a motion to authorize setting up either a site visit or a meeting with the Wells County Water Resource Board as the next step in this process. Motion passed.

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CRYSTAL SPRINGS LAKE FEASIBILITY STUDY

Joel Lees then reported on the meeting with Crystal Springs Lake. Mr. Lees attended the most recent steering committee meeting and he noted that the DOT and the railroad were present at the meeting. Based on the individuals present, approximately \$40,000.00 was identified to provide funding for the project. The railroad indicated that they were also trying to see if they could get approval to participate in the cost of the project, but that approval was still pending.

Mr. Gunsch also provided some additional updates regarding the status of the application which had been filed and he has been conversing with the Department of Water Resource. Mr. Gunsch also requested that the Department of Water Resources set up two additional monitoring stations out in the area of Crystal Springs Lake. Mr. Gunsch indicated that these monitoring stations could provide additional valuable data for the feasibility study and the Department of Water Resources determines if it is appropriate to place them and then it would be at no cost to the Water Resource Board.

Dennis Clark moved and John Schock seconded a motion to authorize Abbagail Geroux to sign a letter on behalf of the board seeking out the placement of the two monitoring systems.

MISCELLANEOUS

The board at this time then discussed correspondence received and particularly noted two water permits.

Ms. Geroux also identified another area of concern she has been hearing just south of the town of Cleveland.

The board members also noted that they had been participating in additional meetings recently due to the Crystal Springs Lake Project and those would be noted on their vouchers.

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FINANCIALS

The board then reviewed the bills and financials. Dennis Clark moved and John Schock seconded a motion to approve the bills and financials as presented. Motion passed.

CHECK NUMBERS

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| 1. Dalsted & Ryan, P.C. - \$5,996.33 | #2949 |
| 2. Joel Lees - \$979.34 | #2950 |
| 3. John Schock - \$449.81 | #2951 |
| 4. Dennis Clark - \$622.31 | #2952 |

There being no further business before the board, Dennis Clark moved and John Schock seconded a motion to adjourn. The meeting was adjourned at 11:40 a.m.

RESPECTFULLY SUBMITTED:

ABBAGAIL GEROUX
Secretary

BOARD APPROVAL OF MINUTES

The board approved the minutes this ____ day of _____, 2024.

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