

***DEVILS LAKE BASIN JOINT WATER RESOURCE BOARD***

Minutes of the regular monthly meeting held Wednesday, July 15th, 2009 at the Rolette County Courthouse, Rolla, ND

Chairman Ash called the meeting to order at 8a.m. Roll call of the counties was taken and all representatives were present.

Cavalier County

Eddy County

Nelson County

Pierce County

Ramsey County

Rolette County

Towner County

Walsh County

Larry Gellner

Mike Tweed

Mike Donohue

Duane Hawk

Duaine Ash

Ron Heinz

John Elsperger

Bob Shirek

Others present: See list attached to original minutes.

Chairman Ash stated that the minutes were not sent out to board members and asked Frith to read through the minutes, after Frith finished Ash asked if anyone had any additions or corrections. **Shirek moved to approve the minutes as of the June 10th meeting, second by Gellner, motion passed unanimously.**

The financial report for the month was presented:

It was noted the Frith still listed Benson County and board members were wondering Frith had heard anything back from them. Frith report that he had not received any correspondence from anyone from Benson County however he did notice in reading the County Commission meeting minutes from the Benson County Press that they did receive the letter he had sent but still referred the decision to their water board.

**Heinz moved to approve the financial report, second by Donohue, motion carried unanimously.**

## **JULY, 2009 Bills**

The following list of bills was presented for payment:

	<b>Amount</b>
Dell Computers - 4Gb RAM & DVD/CD-ROM Drive	\$169.95
Jeff Frith - Manager's June Travel	\$215.55
NDTC (Website Hosting)	\$26.75
Leevers County Market - Meeting Supplies	\$158.05
Ramsey County Auditor: Rent	\$190.00
Ramsey County Auditor: Pstg *	\$67.93
Ramsey County Auditor: Telephone: February -March	\$68.99
Ramsey County Auditor: copies	\$142.60
Ramsey County Water Resource District - Copier Rent	\$50.00
Hoiberg's Office Sully & Printing - Office Supplies	\$113.00
ND SWC - Downstream Acceptance May & June 2009	\$1,542.66
ND PERs - Health Insurance	\$1,036.88
Barry Hause - NDSU TEST PROJECT UTILITIES	\$55.53
Barry Hause - NDSU TEST PROJECT HOUSE RENTAL AUGUST 09	\$400.00
Bartlett & West Engineering TEST PROJECT Invoice # 17925	\$1,125.00
Jay Olson - TEST PROJECT CONTRACT SERVICES	\$450.00
NDSU - Second Quarter TEST PROJECT Expenses	\$19,915.32
Bartlett & West Engineering PILOT PROJECT Invoice # 17926	\$2,750.00
* Includes \$20.00 Postage Meter Fee	

**Hawk moved to pay the bills as listed, second by Tweed, motion carried unanimously.**

### **TEST PROJECT UPDATE:**

Frith stated that the Drs. from NDSU would be on hand at the next board meeting to answer any questions concerning the final report. He thought that would give everyone enough time to look through the report and formulate some questions.

### **7<sup>th</sup> ANNUAL JOINT BOARD TOUR & SUGGESTIONS FOR 2010 TOUR:**

Frith stated that he hasn't received the surveys back yet but Jean did say that they were very positive. Frith thought the day went very well, the weather was perfect, the sites and information were good and the meal and Hawk Museum were fantastic. The board also expressed similar sentiments about the day however there was some disappointment about the Governor and SWC members not going on the tour and doing their own. Frith stated that it was disappointing and thought that for next year he would include the SWC in the planning phase of the Tour. Chairman Ash thanked Frith, the Wolford School and the folks at the Hawk Museum.

**DOWNSTREAM ACCEPTANCE PROGRAM & OFFICE COST SHARE  
CONTRACTS WITH SWC:**

Frith stated that he received the cost share contracts for both the office and the Downstream Acceptance program from the SWC for the Chairman to sign. These are the contracts that were approved at the last Joint Board meeting.

**ESAP STORAGE PROGRAM UPDATE:**

Frith stated that after the last board meeting himself along with Mike Noone & Erwin Curry from the SWC inspected the 10 ESAP sites with all but one in good condition and storing water. The one that was in poor shape was caused from muskrats. Frith did say that the landowner was willing to repair the site and sign back up for the ESAP program but it was in Benson County and Frith mention he wasn't sure how the SWC wanted to handle that since the Joint Board voted not to extend any contract within Benson County until they become an active/participating member. Frith stated that the ESAP contract will be discussed and hopefully renewed at the SWC's September meeting. Frith did state that he is requesting a similar increase as we received for the Sweetwater/Morrison contracts. Ash asked if Cavanaugh Lake would qualify for a storage program similar to what was done with Sweetwater/Morrison. Gellner said from what he can remember it would be a perfect location given the high bank around that lake. Frith stated that the Joint Board did study that options a few years back but it was objected to by a landowner that has since past away so that maybe an area to pursue. Ash stated that the current control structure has washed out and is need of repair, something that the Ramsey County WRD is looking into.

### **TOLNA COULEE CLEANOUT:**

Frith stated that he received a response back from State Engineer, Dale Frink stating that the state would not participate in the removal of the foot of sedimentation that the Joint Board had asked the SWC to do. Mr. Frink pointed out that would be the responsibility of the local water resource district which happens to be Nelson County WRD. What has transpired since is that the Nelson County WRD sent a letter to the city of Devils Lake requesting that they as a landowner are responsible for the maintenance of that water way and that the NCWRD requested that they remove the foot of sedimentation that the SWC has approved could be remove without requiring a permit to do so. Frith stated that the Joint Board was cc on that letter to the city and that the NCWRD had requested that the Joint Board send a similar request to the city. Frith said that he did draft such a letter for the board to approve and it is included in their packets. He did state that the letter is in support to the NCWRD's letter requesting that the City of Devils Lake perform the above stated maintenance. Frith stated that by approving the letter would show a basin wide support for the project to move forward. Gellner asked if the city had asked for money to help with the project or not. Frith stated that just in conversations with city engineer Mike Grafsgaard stating that a contribution from the Joint Board would show basin wide support for the project. Gellner brought up that the Joint Board still has money in that Tolna Coulee Project account. Frith stated that we do have about \$11,500 in that account so if the board want to contribute part or all of that money he said he is sure the city would be very grateful. Frith was asked if the city has received an bid for the project or not. Frith stated that they had not but they didn't think the project would cost anymore than 20 or 30 thousand dollars. Ash brought up that the RCWRD is considering hiring a private geologist, someone that is world renowned to study the sedimentation in the Tolna Coulee. Ash stated they would want someone that would be independent and someone that could not be intimidated by government officials and was so good that it would be difficult for his findings to be challenged. Gellner stated that an independent geologist had done a study, a Nordan Lunde a geologist with a company from Fargo, and he pretty much concurred with what the state geologist had found. It was discussed that maybe the RCWRD would be better off challenging the state engineer's opinion of the foot since statehood, which would be an easier and probably a cheaper fight to get into. **Donohue moved to accept the letter to the City of Devils Lake, second by Heinz, motion carried unanimously.**

**Donohue moved to participate in a non-financial challenge as long as someone else brought forward the challenge of the State Engineer's opinion of the fact that there is only one foot of sedimentation in the Tolna Coulee since Statehood, second by Tweed, .** Much discussion followed with concern for litigation and the cost associated with that. Donohue stated that we would not initiate the challenge but just support a group or individual in doing so and it would be a non-financial support which seemed to ease the board member's concerns. **Question was called and motion carried unanimously.**

**OTHER OLD BUSINESS:**

None

**NEW BUSINESS:**

**SWEETWATER/MORRISON UPDATE:**

Frith stated that on the 23<sup>rd</sup> of June the logs were put back into the control structure and with all the rain that was received, especially in northeastern Ramsey County and western Walsh County the logs were removed on the 29<sup>th</sup> of June. Frith Stated that coulee flows have really increased since the rains and it look like they got the logs out just in time.

**CD INVESTMENT DISCUSSION:**

Frith stated that the Investment CD that the Board had a Western State Bank matured on July 2<sup>nd</sup>, Frith called the various banks in town to get the rate for reinvestment for a 12 month time period. Frith stated that the rates varied from 1.70% to 2.20% so he picked the highest rate of 2.20% which was back at Western.

**PLEDGE OF ASSETS:**

Frith stated that this is something that the board does every six months and it is a pledge from the bank that the Joint Board's assets are insured to a certain amount. Frith state that between him out of the office recovering and the gentlemen from the bank on vacation he did not receive the pledge but would have them for the next board meeting.

**OTHER NEW BUSINESS:**

Chairman Ash asked if there was any new business. Frith asked the board if they wanted to discuss contributing to the City of Devils Lake for their maintenance project with in the Tolna Coulee. Donohue stated that he would like to do so as it would show basin wide support. Discussion centered on a project cost share or contribution out of the Tolna Coulee fund that the Joint Board currently has. Shirek was wondering if that was the original intent of the money, he thought that the money was ear marked for land acquisition and legal fees, Frith stated that he wasn't sure but if the board approved spending the money he would check into how it was intended to be used.

**Elsperger moved to commit up to \$6,000 within the Tolna Coulee fund to contribute to the City of Devils Lake to remove non-permitted foot of sedimentation that has been approved by the State Engineer as long as that was the original intent of the money, second by Donohue, roll call voted was taken motion passed unanimously.**

### **BASIN BOARD REPORTS:**

*Cavalier County* Gellner stated that they have been getting a lot of rain and have had a few culverts wash out. The carp issue is down to one landowner and that should take care of it as long as they can get that one hold out to sign up. They have started to do some cattail spraying. Landowners along a stretch of Highway 66 are pursuing the Cavalier WRD & the ND DOT to increase the culvert in that area.

*Eddy County:* Tweed mentioned that they have been missing out on the rains others areas have been getting. They have been completing culvert work from this past spring. The Warwick Dam project has been put on hold for now.

*Nelson County:* Donohue reported that there are a lot of problems, same as everyone. They received a lot of rain a week to week and half ago. They have been receiving a lot of complaints and they are waiting for a permit for the Michigan Spillway, they are planning on pumping it and it goes into the Forest River and ends up in the Red River.

*Pierce County:* Hawk reported that they received 2” of rain recently and all the coulees are flowing again. They will be getting maps ready for cattail spraying.

*Ramsey County:* Ash reported that they went out looking at complaints yesterday and they couldn't believe the number of roads that they had to drive through water. They have reports of numerous problems through out the county again with roads under water, culverts washed out and numerous complaints. They have been in contact with the City of Devils Lake and attending the meeting that they have been holding in regards the flooding. He mentioned that the city has brought in the SWC and the State Health Department to give reports and they are planning on bringing in the State Geologist for a report next week. The city of Lawton has water running through town and they are working on a solution to that. There are talks of a possible buy out of the town of Penn because of the extremely high water table there.

*Rolette County:* Heinz reported that is has been pretty quiet, they have been building up a road that had some problems this spring in the south end of the county.

*Towner County:* Elsperger reported that they are finishing up culvert repair. They are working with NRCS on a coulee restoration with striping, changing farming practices along the coulee as well as some water storage.

*Walsh County:* Shirek reported that they had their O & M inspections and found some minor problems but nothing too serious. They did receive 6 to 8 inches of rain in the western parts of the county & they have a real mess in that area again with roads in tough shape.

**STATE WATER COMMISSION REPORT:**

Erwin Curry, P.E. Presented the SWC report for June; a copy of his report is attached to the official minutes. Erwin did state` that they have been working with the State Health Department on rescinding their regulations and they are now going to be operating the State Outlet on a Memorandum of Understanding. Curry also stated that they are working with Bartlett & West on treatment facilities for both the East and West ends of the lake and the cost associated with both and should have some numbers by next meeting. He did work with the mayor of Crary on their problems.

Mike Tweed was wondering if the water would be suitable for irrigation near the State's Outlet and we should be investigating the possibility of expanding the Pilot Project to include that stretch along the Sheyenne River from the State Outlet to Cooperstown in order to increase the flows from the State Outlet. Curry thought that the water quality shouldn't be an issue for irrigation. Tweed stated that if we were able to pump out say 100cfs wouldn't it stand to reason that the state could then increase the output of the state outlet by 100cfs. Tweed stated that that the soils in that area or better for irrigation and you could have several holding ponds to feed several pivots and the pond would increase the evaporation that already takes place with the irrigation. It is another way for the Test Project to continue to help ease the flooding situation in the Devils Lake Basin. Frith stated that it is a good idea and shows that we are thinking of new and positive ways to remove water from the basin. He did caution that the Joint Board would have to investigate to see if a project like that would fit into the scope of the project since they are dealing with State & Federal funds.

**RED RIVER BASIN COMMISSION:**

Julie Goehring gave a report for the Red River Basin Commission; she handed out their new flyer which includes a lot of new information, a copy will be included in the minutes. She reminded the board of the website that is very full of information and will be getting more information in the very near future. Their next board meeting will be August 6<sup>th</sup> in Grand Forks and anyone is welcome to come. Tomorrow they a planning a tour with representative from Fargo/Morehead will be traveling to Winnipeg to take a look at their flood diversion project that was operated very successfully this past spring.

**USE&W UPDATE:**

No Report

**NRCS REPORT:**

Andy Wingenbach gave a report stating that they are currently in a contracting mode, WRP contracts, special initiatives because of flooding, said he will Email Frith a written report. Emailed Report: Update on WRP, EWP, and EQIP was discussed. Ring Dike initiative, CCPI, AWEP, and various other program updates were given.

Invited those present to attend the State Technical Committee meeting on July 23 at the comfort inn in Bismarck.

Informed the board of a meeting set up to discuss the Test and Pilot project agreements with Rick Anderson, Jeff Frith, Mike Connor, James Landenberger, and the NRCS contracting specialist from Bismarck for next Tuesday.

Mentioned former State Conservationist, Tom Jewett, recently passed away.

Mentioned current State Conservationist, J.R. Flores, accepted a State Conservationist position in Missouri and will be assuming his new duties August 30.

**DOWNSTREAM ACCEPTANCE REPORT:**

Joe Belford could not be at the meeting today but will Email his report to Frith and a copy will be included in the official minutes.

**MANAGER'S REPORT:**

Frith gave a verbal report of what he has been doing. Prior to the 1<sup>st</sup> of the month he was extremely busy preparing for the Tour and estimates that he probably spent close to eighty hours on it. After the tour Frith stated that he spent time getting ready to be gone.

Date approved: **August 12th, 2009**

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Duaine Ash, Chairman

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Jeff W. Frith, Manager