**MINUTES OF THE**

**UPPER SHEYENNE RIVER JOINT WATER RESOURCE BOARD**

April 17th, 2024

“These are DRAFT minutes, subject to amendment before final approval by the Steele County Water Resource District.”

The Upper Sheyenne River Joint Water Resource Board met on April 17th, 2024, at the Garrison Diversion, Carrington, ND.

Managers Present:

Jerry Heib, Barnes County WRD

Monty Schaefer, Eddy County WRD

Ben Varnson, Nelson County WRD

Tor Bergstrom, Steele County WRD

Bill Deck, Pierce County WRD

Dennis Clark, Stutsman County WRD

Kevin Veitz-Sheridan County

Managers Absent:

Griggs County WRD

Julie Beckstrad, Benson County WRD

Others Known To Be Present:

Mike Opat, Houston Engineering

Keith Weston-Red River Retention

Steve Best-ND Department of Water Resource

Steven Krentz-U.S. Fish and Wildlife

Mandar Nangare, Barr Engineering

Dani Quissell, ND Water Users Association

Tasha Krueger, Secretary, Upper Sheyenne River Joint WRB

**CALL TO ORDER**: Chair Varnson called the meeting to order @ 9:09 A.M.

**ROLL CALL**: Roll call was taken with seven counties present-Jerry Heib- Barnes County, Monty Schaeffer- Eddy County, Ben Varnson-Nelson County, Tor Bergstrom-Steele County, Bill Deck-Pierce County, Kevin Veitz-Sheridan County, Dennis Clark-Stutsman County.

Not present was Julie Beckstrand-Benson County.

**AGENDA REVIEW**: The agenda was reviewed by Manager Varnson. Motion to approve switch agenda item #7 to #15 was made by Manager Bergstrom. Seconded by Manager Heib. Motion carried.

**MINUTES OF March 15th, 2024**: Minutes from the March 15th 2024, meeting were emailed out. Motion to approve the Minutes of March 15th, 2023, was made by Manager Bergstrom. Second by Manager Veitz. Motion carried.

**TREASURER’S REPORT APRIL 17th, 2024**: The checkbook balance as of April 17th, 2024, was $50,918.14. There has been income of $39,716.47 expenses of $17,626.24 and currently the checkbook balance is $73,008.37. The total funds on hand are $73,008.37. A Motion to approve the Treasurer’s Report was made by Manager Bergstrom. Second by Manager Veitz. Upon Roll Call, Jerry Heib- Barnes County, Monty Schaeffer- Eddy County, Ben Varnson-Nelson County, Tor Bergstrom-Steele County, Bill Deck-Pierce County, Kevin Veitz-Sheridan County, Dennis Clark-Stutsman County, Motion carried.

**BILLS FOR APPROVAL APRIL19th, 2023:** The following bills were presented for approval:

Tasha Krueger $455.58; Ben Varnson $1,068.89; and Garrison Diversion-$30.00 Total bills for approval total $1,554.47. Motion to approve payment of the bills was made by Manager Veitz. Second by Manager Schaeffer. Upon Roll Call, Jerry Heib- Barnes County, Monty Schaeffer- Eddy County, Ben Varnson-Nelson County, Tor Bergstrom-Steele County, Bill Deck-Pierce County, Kevin Veitz-Sheridan County, Dennis Clark-Stutsman County, Motion carried.

**Legislative Update-Dani Quissell**

Dani Quissell spoke.

The water topics committee met on March 5th, 2024. The agenda was dedicated to provide education about the roles and responsibilities of the Department of Water Resources. The legislators received briefings on the work of the Regulatory and Water Appropriations Divisions with DWR. The committee received a report from the DWR on water funding projects.

The water topics committee will meet on June 5th & 6th 2024 in Minot, ND. The Devils Lake tour will be held on June 19th & June 20th 2024 in Rugby, ND. The Water Resource District summer meeting will be held on July 10th & July 11th 2024 in Minot, ND.

**Red River Basis Commission**

Ted Priester wasn’t present.

**US Fish and Wildlife-Steven Krentz**

Steve spoke. They are in the process of budgets. A $100,000 of Pilot Projects funds were requested for fish passages & culvert projects.

**Red River Retention-Brian Fuder**

Brian Fuder wasn’t present.

**Devils Lake Joint Board-Jeff Frith**

Jeff Frith wasn’t present.

Chi Yaping spoke. The Devils Lake pumps are working. The pumps are going to be maintenance this year. The beginning of May, the pumps are planned to be turned on. The current elevation is 1,449.2. The west pumps quit at 1,445.0. The east pumps quit at 1,446. The evaporation rate is typically 30 inches per year.

**Department of Water Resources-Randy Gjestvang**

Randy Gjestvang spoke. The deadline for the Water Development plan is April 30th, 2024. The pre-commission meeting will be held on May 16th, 2024. Cost Share requests need to be submitted by April 29th, 2024. The Department of Water Resources will meet later today. The drainage law, stream crossings, and maintance of drains are going to be discussed.

**Red River Joint Water Resource District-Randy Gjestvang**

Randy Gjestvang presented. The cost share request for the Tongue River in Pembina County was approved. The logo was selected and approved. NDAWN all season gages have been installed. Each county in the basin should have a gage in their county. The Baldhill Dam Water Control Plan is being reviewed. A meeting will be held on May 8th, 2024 at the Eagles in Valley City. A joint meeting with the Red River Watershed Management Board and Red River Retention Authority will meet on July 31st, 2024 in Grand Forks, ND.

**ND Department of Environmental Quality: Emily Novak**

Emily Novak present. The cost-share fund from the NDDEQ have been moved to the end of 2024.

**Upper Sheyenne Pilot Project Update-Mandar Nangare**

Mandar spoke. The Pilot Project Site # 5 in Nelson County has been completed, including the fencing and seeding. The only item remaining is emergent planting, which will be completed in late May/early June. The project has been completed ahead of schedule.

Updated Bid Amount: $199,823.10

Anticipated Final Cost: $186,910.85

Net Savings: $12,912.25

The contractor pay application hasn’t been received yet. Barr Engineering will review the application before payment is submitted to the contractor. A request will be submitted to NDDEQ (EPA 319) and U.S. FWS to provide construction cost assistance.

Steve Krentz-U.S. Fish & Wildlife; informed the board there is funding for fish passages. He isn’t sure if this site will qualify as one of those sites. The funding for set-up for the pilot project as a whole, not on a site-by-site case.

Site #3- Eddy County; $38,000 and Site Alt A-Sheridan County: $27,000 costs include data collection (survey), engineering, design, permitting, and bidding.

The board discussed the Eddy County, Pilot Project site.

The Eddy County States Attorney, Travis Peterson agreed with the recommendation of the crossing being removed as it is a safe hazard. The crossing doesn’t show ownership on the plat book. The contractor used a boat to reach the spot to survey the land.

Motion was made by Manager Clark to appoint an attorney to the Upper Sheyenne Joint Board, Seconded by Jerry Heib- Barnes County, with discussion to follow.

Discussion was held on the attorney views and how to move forward with legal issues, and what lawyer would be appointed was discussed. Also, discussed was each county’s legal respresentive would be used with the chosen pilot project site in that county.

Motion was made by Manager Bergstrom to amend the previous motion and have each sponsoring County Water Resource Board legal representative for that site be used, Seconded by Manager Heib, Roll Call Vote; Jerry Heib- Barnes County, Monty Schaeffer- Eddy County, Ben Varnson-Nelson County, Tor Bergstrom-Steele County, Bill Deck-Pierce County, Kevin Veitz-Sheridan County, Dennis Clark-Stutsman County, Motion carried.

Motion was made by Manager Clark to amend the original motion to appoint an attorney to the Upper Sheyenne Joint Board, Roll Call Vote; Jerry Heib- Barnes County, Monty Schaeffer- Eddy County, Ben Varnson-Nelson County, Tor Bergstrom-Steele County, Bill Deck-Pierce County, Kevin Veitz-Sheridan County, Dennis Clark-Stutsman County, Motion Carried.

Freeborn Township; Eddy County; made a request to the Eddy County Commission for assistance on the infrastructure bill to restore the crossing. The Upper Sheyenne Joint WRD has a permit to restore the crossing, not remove it. The permit can be extended for up to two-years. There was discussion on the Upper Sheyenne Joint Board partnering with Eddy County on this project. The Eddy County site #3 and permit will be tabled until the Eddy County Commission reviews the request.

Motion was made by Manager Veitz to officially drop the Lonetree site in Sheridan County, Seconded by Manager Heib, Roll Call Vote; Jerry Heib- Barnes County, Monty Schaeffer- Eddy County, Ben Varnson-Nelson County (stepped out of meeting), Tor Bergstrom-Steele County, Bill Deck-Pierce County, Kevin Veitz-Sheridan County, Dennis Clark-Stutsman County, Motion carried.

Mandar reviewed potential new sites.

The first Site Alt D-Nelson County is a proposed project. Section 34-150-60 in Osago Township. It is located downstream of Site #5-Nelson County. The landowner is aware of the work completed at Site #5. He is interested in being part of the pilot project. The project will include bank protection, water quality, implement grazing management to reduce erosion and promote revegetation.

The other site is located in Benson County, West Antelope Township; Section 20-151-68. The project will include straighter segments with bank erosion that could be handled with simple grading and revegetation. It is similar to the project that was completed on Site #5-Nelson County.

**County Reports**

Barnes – Lots of drain tile. The bid for the Little Dam was approved.

Benson – No report. Not Present

Eddy – Pilot Project Site #3 has been being discussed.

Griggs – No report. Not Present

Nelson – Lot of Beaver Dams.

Pierce – The water convention will be held in Rugby on June 19th & 20th, 2024.

Sheridan – Lake Lilly-city issue concerns. NDAWN gages at Lake Little was installed.

Steele – spoke on the manager position.

Stutsman – Lots of drain tile.

Wells: No report. Not Present.

**MANAGERS REPORT – BEN VARNSON**

Next meeting will the Devils Lake tour on June 20th, 2024 in Rugby, ND.

**NEXT MEETING** – June 19th 2024, at 7:00 pm, Rugby, North Dakota.

**ADJOURNMENT** – A Motion to Adjourn was made by Manager Bergstrom at 11:58 A.M. Seconded by Manager Clark, motion carried. Chair Deck adjourned the meeting.

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Bill Deck, Chair

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Tasha Krueger, Secretary