

## **LaMoure County Water Resource District Special Meeting Friday, February 25, 2022**

At approximately 9:07 a.m. Chairman Kerry Ketterling called the meeting to order with the following board members present in person: Bobby Frauenberg, Co-Secretary/Treasurer Jan Hamlin and Shanel Bohnenstingl. Allen and Inna Swiontek and Eric Larson were present. Board members attending via conference call were Glenn Haugen, Jason Gross, and Water Resource District Attorney Kim Radermacher. Also attending via conference call was Patty Wood Bartle with the Edgeley Mail. Board member Nathan Nitsche was absent.

Chairman Ketterling asked for a motion to approve the agenda. Frauenberg made a motion to approve the agenda, seconded by Haugen. Motion carried.

Allen Swiontek submitted a complaint about water-related issues—specifically drainage, on January 26, 2022. The complaint pertains to the NW and NE quarters of section 17-133-62 in Badger township. Eric Larson farms the NW1/4.

Swiontek states water from NW1/4 of 17-133-62 drains on his land and stays. This long-standing issue has gotten worse over the years to the point where he turned an additional 27 acres of cropland into CRP land. Swiontek provided photographs with hand-drawn details to show the draining before 1985 and over the years thereafter. Swiontek claims Larson did a lot of digging in 2017, a photo taken in the fall of 2018 shows digging that was done on approximately 60 feet on his land. Swiontek has hauled 20 yards of dirt to fill in the ditching done on his property. Swiontek claims more digging took place in the fall of 2021 stating Larson dug around the area he had filled in. Swiontek stated there is no culvert on the poorly maintained township road but believes he would still have significant water issues if there were a culvert.

Larson provided USGS and NRCS lidar images dating back to 1985 that support his claims that the water comes from a natural watercourse that flows eastwardly and eventually empties into Cottonwood creek. Larson explained that he is required to clean out and maintain the ditches. Larson apologized for trespassing and explained he was not creating more drains, rather clearing the debris build-up from the natural watercourse and claims Swiontek isn't maintaining his area so he was just trying to be "neighborly".

Larson asked the board to dismiss the complaint and focus on the real issue which he believes to be the absence of a culvert. The board stated that culverts are handled by the township and would need to contact officers of Badger township. Swiontek explained that a culvert on 92<sup>nd</sup> Ave would move water onto another neighbor and believed a culvert would still wash out his land.

Kim Radermacher stated that with drainage complaints the board has 120 days from the date the complaint was made to respond. Radermacher wants to know when it became a drain, the

answer was unknown by both parties. Radermacher advised the board to table the complaint until the board members can visit the site and gather more information. No action will be taken. The complaint was tabled, and the board will meet again in March to decide, the date is yet to be determined.

**Approved this 23rd day of March, 2022**

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**Kerry Ketterling, Chairman**

**ATTEST:**

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**Shanel Bohnenstingl, Co-Secretary**