

LaMoure County Water Resource Board Special Meeting- Wednesday, December 6, 2023 at 1:00 PM

Present in person: Chairman Kerry Ketterling, Jason Gross, Nathan Nitschke, Bobby Frauenberg, Glenn Haugen, Attorney Kimberly Radermacher, Secretary/Treasurer Janice Hamlin, Co-Secretary Karin Boom. Logged in to remote meeting: North Dakota State Water Commission representative Matt Lindsay, Kathryn Goos ND Department of Water Resources, Jason Weigel, LaMoure County Commissioner, Christine Schmidt, Brandon Carlson, Prairie Township. A list of meeting attendees in the room is available as a sign-in sheet.

Chairman Ketterling called the meeting to order and called the roll of the board. All members, Hamlin, Radermacher and Boom in attendance. Ketterling outlined the conditions of the agenda regarding a special meeting and limiting discussion to the single subject of the Boom Lake permit.

Ketterling called on Mike Strahm, KJ engineer, who gave a project summary. This drain would involve 1 pump to manage the level of the lake and one pump to manage rainwater NE of Marion. The outlet would be 1.5 miles south of town into a natural drain. This is the shortest route to drain. The Corps of Engineers recommended an underground pipe and bore under wetlands to avoid disturbance. This would also enable the pump to be stopped when the downstream is at capacity. The preliminary design in this permit calls for a 4000gpm pump.

Danny Alber, downstream landowner, inquired as to the size of the pipe. Pipe will be 10-12 inches in diameter. Alber is concerned that the culvert under CO 61 be lowered 1 foot to keep water from backing up onto his property. Strahm said that the outlet is further south and would not be backing up at that point.

Karl Ketterling, downstream landowner, inquired as to the adequate capacity of culverts and whether the township or county would be responsible for culvert pipes. Strahm said downstream culverts will have to be assessed to be sure they are adequate.

Wes Knudsen, downstream landowner, stated that the current culverts are now at capacity and it would probably require more culverts to maintain the flow.

Mike Brademeyer, LaMoure County resident in the SE part of the county on the county line. He is 4<sup>th</sup> generation on the farm and there has never been this much water going through. 79<sup>th</sup> St has washed out multiple times. 83<sup>rd</sup> St unable to be accessed. Can't put his cattle out because there are no roads intact and the fences are damaged. Dickey County's Divide Township needs to be considered and addressed before adding more water. He suggested adding holding structures and cattail sloughs. Perhaps pay a downstream assessment to mitigate repair costs.

B.J. Kratz, SE District fisheries supervisor, only concern he has is the level that Boom Lake will be drained to. At this time there is a very good fishery and it would be a problem to drain it too low to maintain the fishery.

Strahm indicated that there is a level that the water must be maintained at. He didn't feel it would be necessary to pump down to that level because the lake loses a lot of elevation during the summer and there is room to keep a good buffer for that. The goal is to keep some storage so that the spring melt can fill it up and then it can be managed when it gets dry over the summer.

Radermacher inquired as to the flood stage elevation. Strahm said it was up to 1459. Currently around 1458. 1456 is the elevation they would like to keep the lake at. That is the elevation that the boat ramp is set up for on the west side of the lake.

Glenn Haugen said he is in complete agreement with Brademeyer on the water impact. He is just upstream of him. Haugen said this needs to be addressed legislatively. The law is not set up to address the controls needed. The process doesn't allow it now. Radermacher agreed. The way the law is written, if the permit application meets all the guidelines the Water Resource Board doesn't have the authority not to approve it.

Another property owner on the Dickey County side said this water would have a very negative impact on him. He is on Bear Creek and has struggled with all the additional water. It never gets dry anymore.

Matt Lindsey said the State is also a secondary permitting agency and if our board approves this permit. Because the drain involves a lake it triggers this process automatically. It is designated as a Drainage of Statewide Significance. The State will take comments from other agencies of Federal, State, County and Townships and downstream districts. Jenny Martin, a representative from his office is in the meeting and also available to answer questions.

Ketterling addressed other online participants for opportunity to comment. Brandon Carlson, no comment; Prairie Township, no response; Jason Weigel, just listening to have knowledge of the situation; Kathryn, DWR, no comments.

Mark Lindseth, downstream resident, expressed concern. He said that adding water, then adding culverts changes the dynamic of the waterway significantly. The natural ebb and flow of the prairie pothole system is impacted and has a negative effect on infrastructure and other waterways going forward. It is a moral as well as a legal decision.

Holly Moen said she is a property owner downstream and her only access crosses Bear Creek. Her question to Strahm was the rate of flow. 8.9 cfs (cubic feet per second) is the equivalent of 6000 gallons per minute (gpm). She also asked what the criteria would be for starting the pumps to discharge. Strahm said the details on that have not been calculated yet. This is a very preliminary plan at this point.

Dave Holweg, former mayor of Marion said the culverts were upsized and added to roads when the trench was made for the emergency drain of the lake. They will probably be adequate.

Gary Visto has 100 acres that can only be accessed by crossing the creek and it is difficult.

Mike Brandenburg commented that the State has a discretionary fund that might address some of the issues of access.

Discussion with attorney Radermacher regarding downstream conditions. Lindsey said more conditions can be added to this permit as the situation differs from usual subsurface drainage applications. The operating plan could be incorporated as a limiting factor. Strahm said another project used a culvert level at the discharge end to determine when to control the release. If the operations manual is made part of the permit approval, then they would have to comply with the manual to maintain the permit. The purpose of this system is to build storage at Marion to eliminate pumping in the wet seasons. The watershed for the lake is 2560 acres. There are 600 acre-feet of extra water storage in the current

parameters. Flooding involves water going through Marion. This system allows water flow and timing to be regulated. At 4000gpm it would take 20 days to lower the lake 1 foot. That would move 112 million gallons.

The County has not given a permit yet to cross the road, landowner easements not addressed yet, if there are any. Rural Water has not been contacted yet, nor other utilities.

Byron Knudsen said that now he waits 30 days to dry up pasture for his cows, with this it might not dry up at all.

Jennifer Martin said that the Department of Water Resources could be involved in monitoring levels downstream. Haugen said that at 62<sup>nd</sup> Ave there is a good spot to locate a monitor.

Ketterling called for a motion on the permit. Frauenberg asked about conditions we might want to establish.

Discussion on all possible conditions ensued. Motion by Frauenberg to approve the permit application with statutory provisions under NDCC 61-32-03.1 (4) (a-f, h-i) 4000 gpm pumping limit, contingent on landowner easements, compliance with the application as submitted, conditioned on operations manual and shut off at certain times of year based on creek levels. Motion seconded by Gross. Roll call vote as follows: Frauenberg, yes; Gross, yes; Haugen, yes; Nitschke, yes; Ketterling, yes. Board approval will be forwarded to the State. Notification of this decision in writing will be available to attendees if contact information is provided after the meeting.

Next meeting January 10, 2024 at 10:00 am.

Meeting adjourned

Approved on: \_\_\_\_\_.

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Kerry Ketterling, Chairman

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Karin Boom, Co-Secretary