

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, OCTOBER 17, 2019 AT 8:00 A.M. IN THE COMMISSIONERS ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA.

Managers present: Lucas Siemieniewski, Todd Stein, Michael Wyum, Roger Zetocha and Bruce Speich. Absent: None. Also present: Chris Gross, the Board’s engineer; Sean Fredricks, the Board’s attorney and Sherry Hosford, Secretary-Treasurer. Others present were: Robert Banderet, Richard Ruch, and Paul Mathews.

Manager Wyum moved to approve the Board’s September 19 minutes as corrected and the October 8, 2019 Special Meeting minutes and the September 2019 financial statement. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Stein moved to approve payment of the following bills:

79491	General Irrigation	Dr#11-Sec 27-Jackson Twp.	531.00
79492	Moore Eng. Inc.	General meetings-\$270.60; Silver Lake Feasibility Study - \$10,608.45; Permit- 4757-\$85.00; Kelley-Mathews-\$170.00; Shortfoot Creek-\$13,482.50; Dr#11 Right of Way and permitting-\$1,172.50; Dr#11-Design Engineering-\$1,675.00; Wetland Mitigation-\$85.00; Dr#16 & Brampton Project-\$5,150.60; Dr#12-SWC cost share-\$100.60; Dr#12-Project Development-\$7,932.50; Dr#7-Culvert cleanout-\$100.60; Tewaukon Watershed-BL – BL Construction Eng. - \$512.54 and BL Funding Update - \$100.60 = TOTAL	
			41,446.49
79493	Ohnstad Twichell	General-\$1,315.00-meetings; Steve Kasowski Permit 2019-11-\$167.90 and Steve Kasowski Permit 2019-10-\$279.75 =	TOTAL = 1,762.65
79494	Lucas Siemieniewski	Travel	32.48
78495	Bruce Speich	Travel	55.68
79496	Todd Stein	Travel	75.40
79497	Michael Wyum	Travel	23.20
79498	Roger Zetocha	Travel	29.00
16973	Sherry Hosford	Salary less taxes	560.48 1,639.52
16974	Roger Zetocha	1 PD less 9.18 taxes	110.82
16975	Lucas Siemieniewski	2 PD less 18.36 taxes	221.64
16976	Todd Stein	5 PD less 45.90 taxes	554.10
16977	Bruce Speich	2 PD less 18.36 taxes	221.64
16978	Michael Wyum	3 PD less 18.36 taxes	221.64
DD	Sargent County Bank	Withholding taxes	943.84

Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

AMENDMENT TO APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM NO. 2019-14 FOR JASON BOSSE IN THE E1/2-34-130-57 AND SW1/4-35-130-57

On September 19, 2019, the Board approved *Application to Install a Subsurface Water Management System No. 201914* dated September 19, 2019, for Jason Bosse and Gerald Bosse. The Board provided a NOTICE OF DECISION dated October 2, 2019, to the parties of record and to the North Dakota State Engineer’s office. At the Board’s meeting on October 17, Jason Bosse appeared in person and offered a request to amend Permit No. 2019-14 to remove Gerald Bosse as a permittee, to add Don Rust as a permittee, and to change the outlet location to the Northeast Quarter of Section 35 in Sargent Township. The project will still include a 366-acre drain tile system in the East Half of Section 34 and the Southwest Quarter of Section 35 in Sargent Township, Sargent County, North Dakota. The project will still include a single gravity outlet, though the outlet will now be located in the Northeast Quarter of Section 35; the outlet will still discharge directly into Sargent County Drain No. 11, a legal assessment drain owned and operated by the Sargent County Water Resource District.

Because the modified project will discharge directly into a legal assessment drain, no THIRTYDAY NOTICE was necessary to downstream landowners under N.D. Cent. Code § 6132-03.1. Under the tile law passed during the 2017 Legislative session, because the project will discharge directly into a legal assessment drain, the Board cannot require Applicants to obtain consent from any downstream landowners. However, the Board can require Applicants to install and maintain erosion protection to protect Drain 11 from erosion and to protect downstream landowners.

According to records supplied by Applicants, the Jason Bosse Living Trust owns the Northeast Quarter of Section 34; and the Deborah M. Bosse Revocable Living Trust owns the Southeast Quarter of Section 4 and the

Southwest Quarter of Section 35 of Sargent Township. The Rust Family LP, a North Dakota limited partnership, owns the Northeast Quarter of Section 35.

Manager Zetocha moved, and Manager Stein seconded the motion, to approve an amendment to *Application to Install a Subsurface Water Management System No. 2019-14* dated September 19, 2019, for Jason Bosse and Don Rust in the East Half of Section 34 and the Southwest Quarter of Section 35 in Sargent Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2019-14, subject to the following conditions:

- 1) That Applicants provide, install, and maintain adequate erosion protection at any and all outlets into Sargent County Drain No. 11;
- 2) That Applicants notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 3) That Applicants must reseed any of the District's right of way disturbed by Applicants' activities, and must maintain any reseeded areas for a period of one year from the date of completion to ensure the seeding adequately repairs any disturbed areas.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicants' permit. However, for Applicants' protection, and to ensure protection of Applicants' tile system, the District will recommend that Applicants consider complying with the following:

- 1) That Applicants obtain written permission from the Sargent Township Board of Township Supervisors to install, operate, and maintain any buried pipe into any of its township road ditches; or to bore through its township road;
- 2) That Applicants notify the Sargent County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application; and
- 3) That Applicants obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM FOR JASON BOSSE IN S1/2 26 SOUTHWEST TOWNSHIP

The District next reviewed an *Application to Install a Subsurface Water Management System No. 2019-15* dated October 16, 2019, for Jason Bosse; Mr. Bosse was present to discuss the application and the project with the District. Under the application, Applicant seeks to install a 166-acre drain tile system in the South Half of Section 26 in Southwest Township, Sargent County, North Dakota. The project will include a single pump outlet, that will discharge via an underground pipeline in the Northwest Quarter of the Southwest Quarter of Section 26; the pipeline will daylight and discharge directly into Sargent County Drain No. 11, a legal assessment drain owned and operated by the Sargent County Water Resource District.

Because the project will discharge directly into a legal assessment drain, no THIRTY-DAY NOTICE was necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1. Under the tile law passed during the 2017 Legislative session, the District cannot require Applicant to obtain an easement from the landowners where Applicant intends to install the underground pipeline for purposes of the outlet, though the District recommends Applicant obtain and record an easement for that purpose. The District can require Applicant to install and maintain erosion protection to protect Drain 11 and downstream landowners.

According to records supplied by Applicant, the Jason Bosse Living Trust owns 137 acres in the North Half of the South Half of Section 26, Dorn and Alan Malpert own 68 acres in the Southwest Quarter of Section 26, and the James W. Bosse Revocable Living Trust and the Deborah M. Bosse Revocable Living Trust own the remaining portion of the South Half of Section 26.

Manager Stein moved, and Manager Wyum seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2019-15* dated October 16, 2019, for Jason Bosse in the South Half of Section

26 in Southwest Township, and to authorize the Secretary/Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2019-15, subject to the following conditions:

- 1) That Applicant provide, install, and maintain adequate erosion protection at any and all outlets into Sargent County Drain No. 11;
- 2) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 3) That Applicant must reseed any of the District's right of way disturbed by Applicant's activities, and must maintain any reseeded areas for a period of one year from the date of completion to ensure the seeding adequately repairs any disturbed areas; and
- 4) That Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the District.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the District will recommend that Applicant consider complying with the following:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system, or where Applicant will install the underground pipeline to accommodate the project outlet;
- 2) That Applicant notify the Sargent County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application; and
- 3) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

DRAIN NO. 11: Chris reported that no date has been set for the public informational meeting but hopefully end of November to mid-December. The channel has been defined and MEI is working on the draft plan. Drain No. 16 options are also being considered and cost estimates being prepared. The railroad has agreed to replace the culvert crossing west of Cogswell as recommended by MEI. The goal was to complete the work this fall but due to excessive water, the project may be pushed back. Todd reported that cleanout in the west loop of the south lateral began on October 16th.

BRAMPTON WATER PROJECT: Meetings and paperwork have been conducted since the meeting last month and MEI is working on project data.

H2 OVER VIEWERS-DRAIN NO. 11 REASSESSMENT: Bryan Murphy, CEO/Viewer made a presentation to the Board detailing the process his company would use to conduct a reassessment of Drain No. 11. A copy of the Power Point presentation is attached to the Official Minutes of this Board. Mr. Murphy will prepare a questionnaire for the Board to review and make comments on various items that will need definition prior to any cost or work on this reassessment.

BRUMMOND-LUBKE DAM GRAZING AGREEMENT: Sherry has researched the minutes and files and only outdated grazing agreements were found. Chris agreed to contact Karen Goff, Dam Safety Program Manager with the Office of the State Engineer to request any information or policies that the State may use for allowing grazing on dams. The Board will invite Boyd Brummond to the January 2020 meeting to discuss an agreement.

DRAIN NO. 7 PLUGGED CULVERT: Todd contacted General Irrigation to obtain a price quote for jet cleaning the culvert on the airport road east of Milnor. Manager Stein moved to hire General Irrigation to clean said culvert not to exceed \$1,500. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

RICHLAND-SARGENT NO. 1: Monica Zentgraf, Secretary-Treasurer RS #1 provided RS #1 bills for consideration and approval as follows:

1. Interstate Eng., Inc. \$1,220.26 (Const. Eng. through 9-28-19)
2. Interstate Eng. Inc. \$3,471.99 (Hydraulic Study and FEMA Coordination 10-5-19)
3. Beaver Creek Archaeology. \$937.50 (Cultural Resource Work-FEMA)
4. Tribal Historic Preservation Office \$2,628.79 (FEMA Survey)
5. Larson Helicopters LLC \$1,050.00 (Aerial Application to cattails)

Manager Stein moved to approve the Richland-Sargent No. 1 bills. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

STARION BOND SERVICES-RS#1: Sean explained to the Board that Starion is updating the form of Paying Agent and Registrar's Agreement in order to comply with the regulatory requirements that govern all transfer agents. Manager Wyum moved to authorize Monica Zentgraf, Secretary-Treasurer for the Richland-Sargent Joint WRD, to sign and execute said agreement, upon Sean's review. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

DICKEY-SARGENT JOINT WATER RESOURCE DISTRICT: Sherry Hosford, Secretary-Treasurer for DSJWRD provided DSJWRD bills for consideration and approval as follows:

1. DVEC \$680.00 (Electricity)
2. Moore Eng. Inc. \$518.10 (Meetings and Water Quality Testing)

Manager Wyum moved to approve the DSJWRD bills. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

SNAGGING AND CLEARING WILD RICE RIVER: Chris provided comments on what is involved in creating a snagging and clearing assessment district, in the event the Board is interested in pursuing an S&C district. Following discussion, the Board determined that there would only be approximately 4 miles that need clearing and snagging. Bruce agreed to contact a contractor to get a price quote on doing this work after it freezes.

SUBMISSION OF PAPERWORK FOR ANY SUBSURFACE OR SURFACE PROJECTS: Due to continued delays in landowners submitting paperwork for any tile or surface projects, the Board will not consider approving any projects unless it is in the office of the Secretary two (2) weeks prior to the Board's next meeting. All applications will be dated and said date used for determining when approval will be considered by the Board.

DRAIN NO. 9 TREE REMOVAL: Todd reported having difficulty hiring a contractor to remove trees from Drain No. 9 in a timely manner. Manager Zetocha moved to authorize Manager Stein up to \$7,500 to acquire a contractor to remove and cleanup the trees. Manager Wyum seconded the motion. Upon roll call, the motion carried unanimously.

COUNTY ROAD DEPARTMENT: Commissioner Ruch reported that due to the excessive rain and snow that many problems are occurring on the county roads. Sites have been submitted to FEMA and on a site between Sections 10 and 11 of Taylor Township, the county has removed the culverts, and cut the roadway. This water flows easterly to the Wild Rice River. When conditions allow, the county plans to install a concrete box culvert in this location. Other roads under water include County 3 and County 5 by Straubville, which a retaining dam has been dug to keep the water off the road.

With no further business to discuss, the Board adjourned the meeting at 11:10 a.m.

LUCAS SIEMIENIEWSKI, CHAIR

ATTEST:

SHERRY HOSFORD, SECRETARY-TREASURER