

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, OCTOBER 18, 2007 AT 7:00 P.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND

Managers present: Mark Breker, Dan Jacobson, Richard Engst, Roger White and Jim Bosse. Absent None. Also present: Dave Titus, Bismarck and Don Lee, Milnor.

Dave Titus reported on the FEMA work that he has completed up to date on Drain No. 11. He submitted invoices for the work that was approved by FEMA and other sites including leveling spoil bank and extra work on Section 27-130-57. Mr. Titus hopes to complete all the small sites and finish up on Drain No. 12.

Dennis Howey, Gwinner City, met with the Board to discuss a problem with a culvert located on the golf course road, which has been washing out. There will be more traffic due to the new golf course and NDDOT suggested that the city improve the roadway, install two (2) 24" culverts 94' long and remove the 30" culvert. The roadway would line up with County No. 6 to the south. The project involves replacing the existing culvert, correcting the location of the highway approach and widening the roadway to accommodate two driving lanes. The Board had no objection to the project and agreed to send a letter to Gwinner City.

Jerry Waswick, Gwinner Golf Course asked permission to clean out a road ditch along the north side of Section 22-132-56. He visited with Whitestone Hill Township Supervisors and they recommended that he visit with this Board. The township does not require permission from the Water Board to clean the road ditch.

Donald L. Lee presented a Drainage Complaint in the NE1/4-28-132-54 against Darwin Heley. He explained the problem that has occurred and does not know how many acres have been drained from the sections to the south and west. Mr. Lee has not signed any easements. Richard Engst explained actions that happened about two years ago with Mr. Heley and feels that Mr. Heley completed more work than what originally was requested. The Board felt that this will have to be resolved by NRCS.

Craig Speich, Milnor filed a Request for Drainage on Highway right of way. He would like to lower a culvert that runs parallel to Highway 13 in the N1/2 of Section 18-132-53. Dave Breker looked at it and approved lowering the culvert 7 inches. Mr. Speich is requesting this Board to approve and send to NDDOT for their approval. Roger Gibbon also filed a Request for Drainage on Highway Right of Way for Section 18-132-53 and described the proposed work to clean drain on east side of Section 18-132-53 from highway 13, south approximately one mile. Tabled until the Board can discuss these requests with Attorney Fredericks.

Approve September 20, 2007 minutes as corrected and September financial statement. (Jacobson/Engst, unanimous)

Authorize Secretary to cash CD 13475 and deposit in Water Board General Fund. (Jacobson/White, unanimous)

Approve payment all bills with the exception of Interstate Engineering, Inc. until an itemization is received on said bill: (White/Engst, unanimous)

58010 US Postal Service	500 stamped envelopes	232.60
58127 Agassiz Seed & Supply	Dr # 1 straw blankets and seed	864.00
58128 Jim Bosse	Travel	39.15
58129 Mark Breker	Travel	37.80
58130 Dave Titus Excavating	Dr #11 FEMA & cleaning work	39873.50
58131 Richard Engst	Travel	40.05
58132 David Hoffer	Dr # 1 beaver removal	50.00
58133 Phillip Hoffer	Dr # 1 beaver removal	100.00
58134 Interstate Eng., Inc.	Silver Lake Dam relocation	1312.50
58135 Dan Jacobson	Travel	55.80
58136 Johnston Fargo Culvert	Dr # 11 culverts	27243.20
58137 Moore Eng., Inc.	Dr # 11 FEMA	1803.90
58138 Ohnstad, Twichell Law Offices	Mund/Kuehn-\$339.00; Paul Anderson permit-\$377.80 and General \$650.00	1366.80
58139 Richland County WTB	Dr # 3 - Insurance premium	170.00
58140 SC Weed Board	Dr # 4 spraying	153.69
58141 Sundale Hutterian Ass'n	Dr # 1 culvert extension, ditch cleaning and riprap	
3150.00		
58142 Roger Wehlander	Dr # 1 rock	860.00
58143 Roger White	Travel	84.15
1246 Mark Breker	3 PD less	18.36
1247 Danny Jacobson	5 PD less	30.60
1248 Sherry Hosford	Sec. salary less	20.40
1249 Richard Engst	3 PD less	18.36
1250 Roger White	5 PD less	30.60
1251 James Bosse	7 PD less	42.84
DD Sargent County Bank	Withholding taxes	323.65

Attorney Sean Fredricks arrived at 8:55 p.m.

Introductions of others in attendance included: Jerry Waswick, Gwinner Shirley, Scott, Tom and Marvin Mund, Milnor, Mark Bogart, Milnor, Craig Speich, DeLamere and Wade and Dick Kuehn, Milnor.

Scott Mund, spokesperson asked for a report from Moore Eng. on the Obstruction to Drain Complaint in the NE1/4 SE1/4-30-132-53 which was filed by Thomas Mund on August 9th. Chad Engels, Moore Eng. reviewed the area and discussed the four locations where culverts flow into the Kuehn land. He also shot elevations of the culverts and reported that the highest culverts are in the south and the lowest in the north. His observation was that the flow of the water is not the pipe issue but the impediment to flow is in the southeast corner and a fence line does not reveal a channel but a cattail area that is higher than the road top. It is difficult to find the swale and that is why the water is not flowing. Scott Mund indicated the Munds' primary concern is the fence line and the cattle crossing. The approach was installed by the Kuehn's. The consensus among the Board was that the approach was an "obstruction to a drain" caused by the landowner's negligent act or omission, but the Board agreed not to take any action until next meeting. Another concern is how long the north-south fence has been in there. Mr. Dick Kuehn noted that both the fence and culvert can be removed because they do not have cattle in there anymore. Chad Engels recommended that if the landowner wishes to have a crossing over the swail, the culvert should be sized to accommodate this inflow. Mr. Kuehn agreed to remove the approach and clean down to the correct depth and asked the Board to size the culverts before they are installed. Mr. Kuehn also agreed to remove the north-south fence. Scott Mund offered to remove the fence and also pay for the culverts but Mr. Kuehn responded it is their fence and they will take care of it. Scott Mund would like the natural silt build-up along the other fence lines removed. The Board will have to consider if the natural silt build-up is an "obstruction to a drain" caused by the negligent act or omission of the landowner. Tabled until November meeting.

Mr. Fredricks reviewed the Request for Drainage on Highway Right of Way from Craig Speich and Roger Gibbon. Mr. Fredricks advised the Board that if the landowner is simply doing a clean-out, and is not improving the right of way by widening or deepening, the Board need not take any action. If the Board has any concerns or issues that they want to submit to the road authority they can do that. Otherwise, the landowner will have to approach the road authority. However, Mr. Fredricks indicated if the landowner is going to improve by deepening or widening, that would be new drainage which would require drainage permit if the watershed area is 80 acres or more.

The Board received a Drainage Complaint from Keith R. Kuehn against Tom Mund in the NE1/4-31 and NW1/4-32-132-53 draining onto the SE1/4-30-132-53. On the west side of the north side road, the road has been improved and the ditch improved up to the culvert. The Board will investigate this complaint and determine if more than 80 acres are being drained by reviewing topo maps. The culvert is in the township road and those present indicated that the township supervisors approved this project. Tabled.

Gary Thornberg filed another Application to Drain # 3219 which is a request to clean out a portion of the road ditch in the NE1/4-23-129-55. Permit 3215 was filed earlier to install tile in this area. There is confusion on what the two permits entail and the Board directed the Secretary to invite Mr. Thornberg to the next meeting and ask him to provide the information suggested from the State Water Commission and respond to the eight point questionnaire.

Evelyn M. Kraig filed an Application to Drain No. 3222 to clean a portion of the road ditch in the E1/2 of SE1/4-14-129-55. More information is required and the Secretary will contact Mrs. Kraig and invite her to the November meeting and ask her to provide the information suggested from the State Water Commission and respond to the eight point questionnaire.

Mark Bogart filed a Drainage Complaint against Tom Mund in the NW1/4-30-132-53. Tabled for inspection.

Unfinished Business: Discussed the fence work at Nelson Dam and the Board hasn't found anyone who does fencing. Tabled. Jim Bosse reported that all the work is completed on the FEMA project in Section 27-130-57 and the Secretary was instructed to request a closeout on the project. There is also seeding necessary on the Nelson Watershed area and Roger White will coordinate with Mark Breker to get it done. Jim Bosse suggested leaving Section 17 in Taylor Township as is for now as it is grassing in. The repairs to County No. 3 and intersection of Drain No. 11 have been completed. Roger White and Bernie Vculek are working on the Texas crossing site.

Approve extension to Agreement for Cost Participation for an Investigation of Seepage Control for Silver Lake Dam through June 30, 2009 with the understanding that obligations under the 2007 agreement that have been completed are deemed fulfilled under this new agreement. (Engst/White, unanimous)

Upcoming conferences include a Natural Stream Restoration Workshop in Fairmount at the Community Center on November 1 sponsored by several agencies; We Are All Upstream Conference in Winnipeg on November 5-7 and the Joint ND/Upper Missouri Water Convention and Irrigation Expo in Bismarck on December 5-6.

The Board received brochures from Project WET and agreed to sponsor teachers from Sargent County who would like to attend the summer workshop.

Meeting adjourned at 11:20 p.m.

MARK BREKER - CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY