

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, NOVEMBER 15, 2018, AT 8:00 A.M. VIA CONFERENCE CALL ORIGINATING IN THE COMMISSIONERS ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA.

The Sargent County Water Managers and agents present via conference call were: Lucas Siemieniewski, Roger Zetocha, Todd Stein, Michael Wyum and Bruce Speich. Absent: None. Also present via conference call were: Chris Gross, Engineer for the Board and Sean Fredricks, Attorney for the Board. Sherry Hosford, Secretary-Treasurer for the board was present at the courthouse. The following residents and landowners were present at the courthouse: Bob Banderet, William Rust and Justin Quandt.

Manager Zetocha moved to correct the Board's minutes from September 20, 2018 to include the length of the arch culvert installed in Drain No. 11 and insert that a 48" intercept culvert was added between Sections 26 and 35 in Denver Township. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Stein moved to approve the Board's minutes as corrected and the September financial report. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Wyum moved to approve payment of the following bills:

77673	Sargent County Treasurer	2016 and 2017 RE taxes on Milton Odegard Parcel acquired as right-of-way on Dr#7 project	213.58
77674	Sargent County Recorder	Recording fee for Odegard parcel	20.00
77675	Milton Odegard	.15 acres right of way-Dr#7	498.92
15530	Sherry Hosford	Salary less taxes 507.05-October	1692.95
DD	Sargent County Bank	Withholding taxes-October	679.75
77826	Avid Hawk, LLC	1955-1998 minutes to county website	75.00
77827	Dakota Improvement, Inc.	Dr#11 Clean drain and install culverts	13,000.00
77828	General Irrigation	Dr#11 Box culvert clean out	819.00
77829	Helwig Excavating	Dr#11 cleanout-SW branch	31,950.00
77830	Moore Engineering, Inc.	General-\$624.25; Shortfoot Creek Study-\$6,182.50; Dr#7-\$75.00- Odegard deed; Dr#11-\$1628.92-RR discussion and culvert order; Nelson and Brummond-Lubke Dam inspection-\$781.25; Brummond-Lubke Dam-\$332.50; Brummond-Lubke Dam EAP-\$1,159.30; Nelson Dam EAP-\$1,159.30; Kelley/Mathews Et.al vs Hemminger/Thompson Et.al-\$1,491.75; Rasmussen permit-\$223.33; Heimbuch permit-\$223.33; Seyer permit-\$223.34 = TOTAL	14,104.77
77831	Ohnstad Twichell	General-; \$1,400.50; Kelley/Mathews/Hemminger complaint-\$6,581.56; Ron Greenmyer permit-\$152.00; Phil Hansen permit-\$458.81; Quandt permit-\$297.42; Steve Kasowski permit-S1/2-30-\$220.77; Steve Kasowski permit-NE1/4-31-\$199.77; Steve Kasowski permit-NW1/4-32-\$199.76; Heimbuch permit-\$320.30; Donald Rust-S1/2-2-\$281.95; Donald Rust-E1/2-15-\$298.93; Rust permit-Section 11-\$148.56; Dr#7-R-O-W-\$666.50; Dr#7 Koeppe-\$2593.76 = TOTAL	13,820.59
77832	Quill Corporation	Binder Clips	10.97
77833	Sheyenne Valley Tree Service	Dr#7 tree cutting-cottonwood	1221.60
77834	True North Steel	Dr# 11 culverts (Denver Township)	11,302.32
15653	Sherry Hosford	Salary less taxes 507.05	1692.95
DD	Sargent County Bank	Withholding taxes	679.75

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

Application to Install a Subsurface Water Management System No. 2018-06 for Don Rust in the North Half and the Southwest Quarter of Section 11 in Brampton Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2018-06* dated September 19, 2018, and filed September 20, 2018, for Don Rust. William Rust was present to explain the project to the Board. Under the application, Applicant seeks to install a 332-acre tile system in the North Half and the Southwest Quarter of Section 11 in Brampton Township, Sargent County, North Dakota. The project will include a single pump outlet located in the northeast corner of Section 11; the pump outlet will discharge to the east under County Road 4 through an existing culvert. The tile discharge will then outlet into Sargent County Drain No. 11. The Sargent County Water Resource District owns and operates Drain 11.

The District previously provided a THIRTY-DAY NOTICE to Sargent County regarding the discharge into county highway right of way, as required under N.D. Cent. Code § 61-32-03.1. No additional THIRTY-DAY NOTICES were necessary since the tile discharge then flows into a legal assessment drain. Under the tile law passed during the 2017 Legislative session, the Board can require Applicant to install erosion protection in Sargent County's highway right of way, but because the county did not submit any "technical evidence," the Board cannot require Applicant to obtain permission from Sargent County. In addition, the Board cannot require

Applicant to obtain easements or consent from any other downstream landowners since the tile discharge outlets into a legal assessment drain.

According to records supplied by Applicant, Applicant Don Rust owns the North Half of Section 11, and Rust Family LP, a North Dakota limited partnership, owns the Southwest Quarter of Section 11.

Manager Zetocha moved, and Manager Speich seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2018-06* dated September 19, 2018, for Don Rust in the North Half and the Southwest Quarter of Section 11 in Brampton Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2018-06, subject to the following conditions:

- 1) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 2) That Applicant provide, install, and maintain riprap or other ditch stabilization materials satisfactory to Sargent County at any and all outlets into Sargent County's road right of way; and
- 3) 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 written permission from Sargent County to discharge into, or otherwise utilize, any of its County highway ditches;
- 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: Reports were given that the work has been completed by Helwig Excavating, Inc. in the Southwest Branch of Dr#11 and General Irrigation did a great job of cleaning out the plugged box culvert. Dakota Improvement has completed the cleaning and culvert installation in Dr# 11 in Denver, Vivian and Harlem Townships as approved.

FRENIER DAM REPORT OF BEAVER DAMS: Lucas inquired from Todd if he felt that General Irrigation could clean out the plugged culverts on Frenier Dam. Lucas has investigated the area and feels that this might solve the problem caused by beaver. Todd will discuss this work with General Irrigation. Jeff Breker, local landowner noticed the water backing up and reported his concern of the beaver dams.

BEVERLY KELLEY/PAUL MATHEWS, JACKSON TOWNSHIP DRAINAGE COMPLAINT APPEAL: Sean Fredricks has responded to the State Engineer on the appeal which was filed on October 25, 2018. The Board will wait on a response from the State Engineer. Todd informed the Board that Bruce Bosse, one of the Respondents, contacted him that this area has been filled in. Manager Zetocha made a motion to authorize Moore Engineering, Inc. along with Todd Stein to inspect the ditch before the snow accumulates, take photos and fly the drone to compare these photos with the initial photos that were taken. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

BRUMMOND-LUBKE DAM: Chris Gross reported that the SWC has approved \$317,111 cost share and the Red River Joint Board approved \$79,877.85 cost share for the Brummond-Lubke Dam Improvement Project. The agreement from the RRJTB has arrived but waiting on the SWC agreement. Manager Zetocha moved to authorize the Chairman and Secretary-Treasurer to sign the RRJTB Cost Share agreement. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously. The State Water Commission visited with Chris about the erosion problems that were noted this fall during the inspection and asked that these issues be addressed during this project. Manager Wyum moved to authorize Moore Eng. to begin final design on the project, negotiate right-of-way for the borrow/spoil areas and begin with the geotechnical work. A likely bid date would be April 2019. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

JACKSON TOWNSHIP COMPLAINT: The Board previously dismissed Jackson Township’s complaint against the Quandt’s. To the extent any additional action was necessary to dismiss the matter or resolve any remaining issues, Manager Wyum moved to dismiss any remaining portion of the Complaint. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

DRAIN NO. 2 RIGHT OF WAY: Bruce has not met with the landowner about the erosion problem and felt installing a fence along the right of way would be too costly as it would have to be removed each time for any maintenance. Also discussed acquiring additional right of way. Bruce and Lucas have inspected the location and encouraged other board members to look at the site to see if anyone has a suggestion of a resolution to this erosion problem.

SILVER LAKE DAM: Cost share requests have been submitted to both the SWC and RRJTWRD and looking for approval within the next month.

BRUMMOND/LUBKE AND NELSON DAM EAP’S: Chris presented final billings for the Emergency Action Plans for both dams and informed the board that copies of the EAP’s have been provided to all persons who could be involved if an emergency would arise. Sherry will prepare and submit the final cost share request for reimbursement.

Application to Install a Subsurface Water Management System No. 2018-07 for Steve Kasowski in the South Half of Section 30 in Jackson Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2018-07* filed on September 24, 2018, for Steve Kasowski. Under the application, Applicant seeks to install a 296-acre tile system in the South Half of Section 30 in Jackson Township, Sargent County, North Dakota. The project will include a single pump outlet in the southeast corner of Section 30 that will discharge directly into the Lovell Improvement Project, a private surface drain permitted under Surface Permit No. 4757 for Lovell Improvement Project, LLC.

The Board provided THIRTY-DAY NOTICES to all downstream landowners within one mile of the outlet of the proposed project, as required under N.D. Cent. Code § 61-32-03.1. More specifically, the Board provided THIRTY-DAY NOTICES to the owners of both the North and the South Half of Section 31 of Jackson Township. Lovell Improvement Project, LLC, is in the process of acquiring the requisite right of way to accommodate the Lovell Project; however, the LLC has not completed right of way acquisition and, with that in mind, the Board provided THIRTY-DAY NOTICES to the underlying and adjacent landowners in Section 31. None of those landowners submitted “technical evidence” regarding any potential adverse impacts from the project. With that in mind, in accordance with Section 61-32-03.1, the Board cannot require Applicant to obtain any flowage easements or other consent from downstream landowners as a condition to the Board’s approval of the permit.

According to records submitted by Applicant, Kasowski Russet, LLP, owns the South Half of Section 30 of Jackson Township. Further, the Philip A. Hansen Revocable Living Trust and the Dianna M. Hansen Revocable Living Trust own the Northwest Quarter of Section 31; Steve and Judy Hansen own the Southeast Quarter of Section 31, but previously provided an easement to Applicant for purposes of the Project; and Joel and Sandra Anderson and Scott Anderson all own interests in the Southwest Quarter of Section 31.

Manager Speich moved, and Manager Stein seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2018-07* filed September 24, 2018, for Steve Kasowski in the South Half of Section 30 in Jackson Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2018-07, subject to the following conditions:

- 1) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) 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 Board cannot attach any additional conditions to Applicant’s permit. However, for Applicant’s protection, and to ensure protection of Applicant’s tile system, the Board will recommend that Applicant consider complying with the following:

- 1) That Applicant obtain written permission from Lovell Improvement Project, LLC, to utilize its private ditch as an 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.

Application to Install a Subsurface Water Management System No. 2018-08 for Steve Kasowski in the Northeast Quarter of Section 31 in Jackson Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2018-08* filed on September 24, 2018, for Steve Kasowski. Under the application, Applicant seeks to install a 128-acre tile system in the Northeast Quarter of Section 31 in Jackson Township, Sargent County, North Dakota. The project will include two pump outlets. The first pump outlet will discharge 70 acres of the tile system in the southwest corner of the Northeast Quarter of Section 31, a shared pump outlet in the southeast corner of the Northwest Quarter of Section 31, Phil Hansen's tile project, Tile Permit No. 2018-04. The other pump outlet will discharge the remaining 58 acres and will be located in the southeast corner of the Southwest Quarter of Section 30. Both pump outlets will discharge directly into the Lovell Improvement Project, a private surface drain permitted under Surface Permit No. 4757 for Lovell Improvement Project, LLC.

The Board provided THIRTY-DAY NOTICES to all downstream landowners within one mile of the outlet of the proposed project, as required under N.D. Cent. Code § 61-32-03.1. More specifically, the Board provided THIRTY-DAY NOTICES to the owners of both the Northwest Quarter of Section 31 and the South Half of Section 31 of Jackson Township. Lovell Improvement Project, LLC, is in the process of acquiring the requisite right of way to accommodate the Lovell Project; however, the LLC has not completed right of way acquisition and, with that in mind, the Board provided THIRTY-DAY NOTICES to the underlying and adjacent landowners in Section 31. None of those landowners submitted "technical evidence" regarding any potential adverse impacts from the project. With that in mind, in accordance with Section 61-32-03.1, the Board cannot require Applicant to obtain any flowage easements or other consent from downstream landowners as a condition to the Board's approval of the permit.

According to records submitted by Applicant, Kasowski Russet, LLP, owns the Northeast Quarter of Section 31 of Jackson Township. Further, the Philip A. Hansen Revocable Living Trust and the Dianna M. Hansen Revocable Living Trust own the Northwest Quarter of Section 31; Steve and Judy Hansen own the Southeast Quarter of Section 31, but previously provided an easement to Applicant for purposes of the Project; and Joel and Sandra Anderson and Scott Anderson all own interests in the Southwest Quarter of Section 31.

Manager Speich moved, and Manager Stein seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2018-08* filed September 24, 2018, for Steve Kasowski in the Northeast Quarter of Section 31 in Jackson Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2018-08, subject to the following conditions:

- 1) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) 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 Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant consider complying with the following:

- 1) That Applicant obtain written permission from Lovell Improvement Project, LLC, to utilize its private ditch as an 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.

Application to Install a Subsurface Water Management System No. 2018-09 for Steve Kasowski in the Northwest Quarter of Section 32 in Jackson Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2018-09* filed on September 24, 2018, for Steve Kasowski. Under the application, Applicant seeks to install a drain tile system in the Northwest Quarter of Section 32 in Jackson Township, Sargent County, North Dakota. The project will include a single pump outlet located along the north boundary of the Northwest Quarter of Section 32. The pump outlet will discharge directly into the Lovell Improvement Project, a private surface drain permitted under Surface Permit No. 4757 for Lovell Improvement Project, LLC.

The Board provided THIRTY-DAY NOTICES to all downstream landowners within one mile of the outlet of the proposed project, as required under N.D. Cent. Code § 61-32-03.1. More specifically, the Board provided THIRTY-DAY NOTICES to the owners of both the Northwest Quarter of Section 31 and the Southwest Quarter of Section 29 of Jackson Township; Applicant owns the Southeast Quarter of Section 30 and the Northeast Quarter of Section 31 so no notices were necessary regarding those properties. Lovell Improvement Project, LLC, is in the process of acquiring the requisite right of way to accommodate the Lovell Project; however, the LLC has not completed right of way acquisition and, with that in mind, the Board provided THIRTY-DAY NOTICES to the underlying and adjacent landowners in Section 31. None of those landowners submitted “technical evidence” regarding any potential adverse impacts from the project. With that in mind, in accordance with Section 61-32-03.1, the Board cannot require Applicant to obtain any flowage easements or other consent from downstream landowners as a condition to the Board’s approval of the permit.

According to records submitted by Applicant, Kasowski Russet, LLP, owns the Northwest Quarter of Section 32 of Jackson Township. Further, the Philip A. Hansen Revocable Living Trust and the Dianna M. Hansen Revocable Living Trust own the Northwest Quarter of Section 31; Dean and Joleen Schmit own the Southwest Quarter of Section 29. Kasowski Russet, LLP, owns the Southeast Quarter of Section 30 and the Northeast Quarter of Section 31.

Manager Speich moved, and Manager Stein seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2018-09* filed September 24, 2018, for Steve Kasowski in the Northwest Quarter of Section 32 in Jackson Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2018-09, subject to the following conditions:

- 1) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) 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 Board cannot attach any additional conditions to Applicant’s permit. However, for Applicant’s protection, and to ensure protection of Applicant’s tile system, the Board will recommend that Applicant consider complying with the following:

- 1) That Applicant obtain written permission from Lovell Improvement Project, LLC, to utilize its private ditch as an 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.

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

1. Interstate Engineering, Inc. \$30,964.75 (Construction Engineering and Staking RS#1)
2. JAV Construction Inc. \$247,546.49 (Progressive Estimate No 3)
3. True North Steel \$1,064.64 (24”x42”, bands and flap)
4. SRT Excavation LLC \$18,600.00 (Spot cleaning Miles 1-4)

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

SHORTFOOT CREEK WATERSHED PLANNING – RCPP PROGRAM EXTENSION REQUEST:

Chris reported that there have been many factors leading to this request including numerous items brought up by NRCS that has added to the planning timeline, mainly the NRCS review of H&H models and then NRCS adding alternatives to evaluate. Many landowners have been included along the way with the planning process and multiple thoughts and ideas for the Tosse Slough/Park Lake area. The agreement is set to end March 31, 2019 and a one year extension is being requested. Manager Speich moved to request the extension. Manager Zetocha seconded the motion. Upon roll call vote, Managers Siemieniewski, Speich, Zetocha and Stein voted yes. Manager Wyum stepped away during the discussion and cast an “Abstain vote”. Motion carried. Chris feels this project should be wrapped up by this time next year and within the next couple months additional landowner meetings will be scheduled.

Application to Install a Subsurface Water Management System No. 2018-13 for David Rasmussen in Section 19 of Taylor Township: The Board reviewed an *Application to Install a Subsurface Water Management System No. 2018-13* dated October 24, 2018, for David Rasmussen. Under the application, Applicant seeks to install a 281-acre tile system in Section 19 of Taylor Township, Sargent County, North Dakota. The project will include a single pump outlet located in the southeast corner of Section 19 that will discharge directly into Sargent County Drain No. 9. The Sargent County Water Resource District owns and operates Drain 9.

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, because the project will discharge directly into a legal assessment drain, the Board cannot require Applicant to obtain flowage easements or consent from downstream landowners. The Board can, however, require Applicant to install and maintain erosion protection to protect Drain 9. In this case, the Board will require Applicant to install and maintain fabric and rock erosion protection to avoid erosion and to protect downstream properties.

According to records supplied by Applicant, Kurt Rasmussen owns all of Section 19 of Taylor Township.

Manager Speich moved, and Manager Zetocha seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2018-13* dated October 24, 2018, for David Rasmussen in Section 19 of Taylor Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2018-13, 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. 9, including fabric and riprap;
- 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 an easement from the record owner of Section 19 where Applicant will construct the tile system;
- 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.

Application to Install a Subsurface Water Management System No. 2018-05 for Mike, Pam, Jeff, Jeannette, James, Jessica, and Jason Quandt in the East Half of Section 6 in Southwest Township:

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2018-05* dated August 21, 2018, filed August 28, 2018, for Mike, Pam, Jeff, Jeannette, James, Jessica, and Jason Quandt; Justin Quandt was present to discuss the project with the Board. Under the application, Applicants seek to install a drain tile system in the East Half of Section 6 in Southwest Township, Sargent County, North Dakota. The project will include two pump outlets; the first outlet will be located in the Northwest Quarter of the Northeast Quarter of Section 6 and will discharge directly into the Lovell Improvement Project, a private surface drain permitted under Surface Permit No. 4757 for Lovell Improvement Project, LLC. The second pump outlet will be located along the south boundary of the Southeast Quarter of Section 6, at approximately the quarter mile line; the pump will discharge directly into the Lovell Improvement Project.

The District provided THIRTY-DAY NOTICES to all downstream landowners within one mile of the outlets of the proposed project, as required under N.D. Cent. Code § 61-32-03.1. Lovell Improvement Project, LLC, is in the process of acquiring the requisite right of way to accommodate the Lovell Project; however, the LLC has not completed right of way acquisition, and, with that in mind, the Board provided THIRTY-DAY NOTICES to the underlying and adjacent landowners along the course of the project downstream of the outlets. None of those landowners submitted “technical evidence” regarding any potential adverse impacts from the project. With that in mind, in accordance with Section 61-32-03.1, the District cannot require Applicants to obtain any flowage easements or other consent from downstream landowners as a condition to the Board’s approval of the permit. According to records submitted by Applicants, Michael and Pamela Quandt own a one-fourth interest in the East Half of Section 6; Jeffrey and Jeanette Quandt own a one-fourth interest; Jason and Jessica Quandt own a one-fourth interest; and James Quandt owns the last one-fourth interest in the East Half of Section 6. With regard to downstream landowners, Colin and Kahri Finley own the Northeast Quarter of Section 12 of Lovell Township in Dickey County; and the Philip A. Hansen Revocable Living Trust owns the Southwest Quarter of Section 6 of Southwest Township in Sargent County.

Manager Wyum moved, and Manager Stein seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2018-05* dated August 21, 2018, and filed August 28, 2018, for Mike, Pam, Jeff, Jeannette, James, Jessica, and Jason Quandt in the East Half of Section 6 in Southwest Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2018-05, subject to the following conditions:

- 1) That Applicants notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) That Applicants must turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Sargent County Water Resource District.

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 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
- 2) 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.

With no further business to discuss, the Board adjourned the meeting at 9:07 a.m.

LUCAS SIEMIENIEWSKI, CHAIR

ATTEST:

SHERRY HOSFORD - SECRETARY-TREASURER