

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD
HELD ON THURSDAY, NOVEMBER 21, 2013 AT 9:00 A.M., IN THE COMMISSIONERS ROOM,
SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Jim Bosse, Mark Breker, Richard Engst and Roger Zetocha. Absent: Chris McFarland. Also present: Tom Jones, NRCS, Chris Gross, Moore Engineering, Inc., and Sean Fredricks, Attorney for the Board.

Vice-Chairman Breker called the meeting to order.

James and Scott Mahrer, Forman met with the Board to discuss their complaint filed with the Board against Loren Ellefson. The Mahrer's do not want the water and if the culverts were cleaned out it might allow the water to flow naturally. As it is this is very flat land and the Mahrer's are stuck with the water. This Board previously approved Mr. Ellefson's Surface Drain Application on September 19 with conditions, including easement requirements. The Mahrer's indicated Mr. Ellefson has not contacted them about the easement he must obtain from them as a condition to his permit. In light of the outstanding drainage complaint, the Board concluded that Mr. Ellefson has until December 18th to satisfy all the conditions of Mr. Ellefson's Drainage Permit No. 4237. If the conditions are not met by that date, the Board will act on the Mahrer complaint at the December meeting.

Gary Thornberg, Havana met with the Board to discuss Permit No. 3602. Mr. Thornberg is requesting permission to increase the tiling area that was approved in Permit 3602. The Board advised Mr. Thornberg to contact the tile company and request a map of the new area and submit a letter to the Board for their consideration at a future meeting.

Application to Install a Subsurface Drain for the Quandt Brothers in the West Half of Section 10, the West Half of the Northwest Quarter of Section 15, and the North Half of Section 16 of Southwest Township – Amendment of Approval

The Board previously approved *Application to Install a Subsurface Drain* dated February 22, 2012, for the Quandt Brothers regarding the West Half of Section 10, the West Half of the Northwest Quarter of Section 15, and the North Half of Section 16 of Southwest Township. The Board approved the Application at its meeting on June 21, 2012, and provided a NOTICE OF DECISION dated June 27, 2012. Since then, Mr. John Quandt has approached the Board and indicated he plans to include drain tile in a portion of the North Half of Section 9 in Southwest Township, property owned by the Quandt's, as part of this overall tile project. The tile discharge from Sections 10, 15, and 16 will discharge via a gravity outlet into the surface drain constructed in accordance with Surface Permit to Drain No. 3974, a surface drain that will run to the east toward Sargent County Drain No. 11. The portion of the North Half of Section 9 Applicant intends to include will not flow east but rather will flow to the north, through Sargent County Highway No. 5 through a 10-inch PVC pipe, and will discharge into the South Half of Section 4 into an existing natural depression.

According to records on file with the Sargent County Recorder's office, the Quandt's own the North Half of Section 9, including the 20 acres Applicant seeks to tile. Further, Dean and Joleen Schmit own the South Half of Section 4 of Southwest Township.

The Board will require Applicant to obtain written permission from Sargent County regarding any use of Highway 5 right of way or to bore through or under Highway 5. In addition, the Board will require Applicant to obtain a flowage easement from the Schmit's regarding the South Half of Section 4.

It was moved by Manager Engst and seconded by Manager Bosse to amend the Board's approval of *Application to Install a Subsurface Drain* dated February 22, 2012, regarding the West Half of Section 10, the West Half of the Northwest Quarter of Section 15, the North Half of Section 16, and the North Half of Section 9 in Southwest Township, subject to the following conditions:

-) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the drain system.
-) That Applicant obtain approval and all requisite easements, and otherwise satisfy all conditions, regarding Application for Surface Drain No. 3974, since the ditch contemplated under Application No. 3974 will act as the outlet for Applicant's tile system.
-) That Applicant obtain and record (with the Sargent County Recorder's office) a flowage easement (and not just a written consent), including language that permits saline water, from the owners of the South Half of Section 4 of Southwest Township, Sargent County, North Dakota.
-) That Applicant obtain written permission from Sargent County to bore through

its highway right of way or to otherwise utilize any of its highway right of way.

) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations or improvements to the project, or any proposed increase in the drainage area impacted and, if necessary, submitting an additional permit application.

) 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.

Upon roll call vote, the motion carried unanimously.

Douglas Harris APPLICATION TO INSTALL A SUBSURFACE DRAIN

Jay Harris was present on behalf of Douglas Harris regarding Douglas' APPLICATION TO INSTALL A SUBSURFACE DRAIN in the West Half of Section 29 of Denver Township. Jay explained the proposed project to the Board. The tile discharge would flow north, then west in Highway 13 right of way in NDDOT right of way along the north boundary of Section 30 for approximately three-quarters of a mile before flowing southwesterly across a portion of the Northwest Quarter of Section 30. Thirty-day notices have been sent to Gladys (Schmitz) Shockman (owner of the NW ¼ of Section 30) and to the ND Dept. of Transportation. Mrs. Schockman has responded with a letter of her opposition to the project. Sean Fredricks explained that the permit would likely require permission from NDDOT regarding use of Highway 13 right of way, and a flowage easement from the owner of the Northwest Quarter of Section 30. Jay Harris offered the possibility that they may re-locate their proposed outlet. The Board indicated the Harris's would have to submit a letter with their request to amend the proposed project (i.e., the location of the outlet) to the Board for their review at the December meeting.

Approve the September 19 and October 17, 2013 minutes and October 2013 financial statement and payment of the following bills: (Bosse/Zetocha, unanimous)

68673 James Bosse	Travel	75.71
68674 Comstock Construction, Inc.	Final on Frenier Dam repairs	24,422.18
68675 Dakota Improvement Inc.	Clean between Sect 9 &16 in Harlem Twp	2,401.02
68676 Richard Engst	Travel	216.40
68677 Erickson Farms	Ditch bank shoring/Dr # 7	2,000.00
68678 Larson Helicopters	Spraying-Dr # 2-\$1875; Dr # 11-\$2625.00	4,500.00
68679 Moore Eng. Inc.	Frenier Dam-\$203.81; Tile Permits – Quanst-\$232.50; Ellefson-\$742.50; Zajac-\$550.50; Erickson-\$420; Thompson-\$352; Harris-\$146; Dana Banish-\$1,500; Dr # 12- right of way profile verification-\$990; Dr # 11-Kevin Throener railroad issue-\$367.50 =	5,504.81
68680 ND State Water Commission	Frenier Dam Water Permit	100.00
68681 Ohnstad Twichell	General-\$2021.01; Katie Vculek - \$466; Mahrer/Ellefson-\$128.46; Loren Ellefson #4237-\$876.00; Ray Zajac #4239-\$418.00; Dana Banish # 4171-\$655.39; Emeric Erickson-\$451; EB Farms - \$523; M & D Thompson-\$485; Douglas Harris-\$200; Dr #4-\$397.70; Dr # 11-\$1973.00; Dr # 7-\$160.00 =	8754.56
68683 Roger Zetocha	Travel	31.08
8959 Sherry Hosford	Salary less 24.22 taxes	292.45
DD Sargent County Bank	Withholding taxes	49.07

Travis and Shannon Bergh, Havana met with the Board to discuss a natural waterway in the SW1/4-28-Weber Township. The Bergh's would like to clean the waterway out. Any deepening or widening would require a surface permit or if only removing cattails and sediment no permit is required. The Bergh's requested paper work for a Surface Drainage permit.

Dana Banish Surface Drain Permit 4171

Dana Banish made a request to install an electric pump not to exceed the capacity of his current 16" pump. Mr. Banish emailed Sherry and Sean and indicated the proposed pump will include "monitors" to ensure operation in compliance with the guidelines the Board attached to his permit. Mr. Banish plans to engage a licensed engineer to set the elevations. He also plans to install drain tile in the same field. Mr. Banish indicated the tile will be less than 80 acres; if that is the case, the project would not require a tile permit. The Board was not clear regarding Mr. Banish's intentions and whether or not the tile system would include a second pump. Following discussion the Board requested that Mr. Banish attend the December meeting to discuss his proposal. Sean will invite Mr. Banish to the Board's December meeting.

Instructed the Secretary to sign the paper work requested for projects under the 2011 FEMA work. Drain No. 8 will not be completed as there is a larger project being considered.

Discussion followed on Kevin Throener's request for the railroad to inspect the culverts under Drain No. 11 in Section 33-131-57. Chris Gross spoke to the Road master for the railroad and indicated that the water was flowing and no blockage was obvious during the inspection and no problem was noted. Roger Zetocha commented that he feels the railroad tracks are the problem not the township road. He will speak to Kevin Throener regarding the railroad findings.

North Dakota Dept. of Transportation responded to a request from Attorney Fredricks about two legal drains that cross Highway 13 in Sargent County. A copy of their letter of response is attached to the minutes.

Discussion followed on an Application for Surface Drain No. 4170 for Roger Zetocha. Roger stated that the railroad is concerned about culverts washing out from this project and the railroad would like to install a new culvert. This would be a railroad project and the size of the culvert determined by the railroad. The location of the railroad crossing is in the E1/2-31-132-57. No change to Mr. Zetocha's permit.

Motion to authorize the vice-chairman to sign an Application for a Conditional Water Permit for Frenier Dam based on the information received from the State Water Commission. (Bosse/Engst, unanimous)

Richard Engst presented information to the Board on replacing two existing culverts in Milnor City. Pictures were shown of the inside of the culverts where there is damage; bands are separating, culvert rusting away. One of the culverts is located on Milnor City Main Street, which is also SC Hwy # 10. That site would be eligible for 40% funding from Sargent County because of the location of the road over a legal drain. The funding situation was discussed and concluded that before anything can move forward a proposal of the project with cost estimates must be available. Motion to authorize Moore Engineering, Inc. to proceed with this proposal for the December 19th meeting. (Bosse/Zetocha, unanimous)

Jim Bosse reported on a washout in the NW1/4-9-130-57 on Drain No. 11. It is a large washout that will need new culverts and caps. Due to the time of year the project will be scheduled in the spring.

Dakota Improvement has contacted Jim Bosse that no cleaning will take place on Drain No. 11 this fall because of the cold weather.

Austin and Olivia Stenvold have made an application for a subsurface drain in the SW1/4-31-130-54 to tile 78 acres. A permit is not required for less than 80 acres but the Board strongly suggested that Mr. Stenvold proceed with acquiring the permit.

Meeting adjourned at 12:10 p.m.

MARK BREKER – VICE-CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY