

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, DECEMBER 19, 2013 AT 9:00 A.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Chris McFarland, Jim Bosse, Mark Breker, Richard Engst and Roger Zetocha. Absent: None. Also present: Tom Jones, NRCS and Chris Gross, Moore Engineering, Inc.

Approve the November 21, 2013 minutes November 2013 financial statement and payment of the following bills: (Engst/Zetocha, unanimous)

68829	James Bosse	Travel	27.12
68830	Mark Breker	Travel	20.34
68831	Richard Engst	Travel	734.47
68832	Chris McFarland	Travel	314.14
68833	Moore Engineering, Inc.	Frenier Dam-\$265.00 and Katie Vculek Permit, Austin Stenvold Permit and Mahrer Ellefson Complaint - \$62.50 each = \$187.50	452.50
68834	Ohnstad Twichell	General-1209.78; Loren Ellefson #4237-\$114.48; Dan Thompson #4247-\$44.64; Mund (2012)-\$80.00; E. Erickson (2013)-\$36.48; EB Farms #4244-\$7.40 and Dr # 11-Paul Mathews-\$192.00 =	1684.78
68835	Sargent County	Double Box Culvert south of Rutland	31,444.24
9041	Mark Breker	4 PD plus meal less 37.52 taxes	452.98
9042	Sherry Hosford	Salary less 24.22 taxes	292.45
9043	Richard Engst	11 PD less 170.81taxes	1149.19
9044	Jim Bosse	5 PD less 45.90 taxes	554.10
9045	Roger Zetocha	1 PD less 9.18 taxes	110.82
DD	Sargent County Bank	Withholding taxes	506.06

Approve renewal of CD # 13893 for twelve months. (Zetocha/Bosse, unanimous)

Approve transfer of the following funds: From Drain No. 4 to General Fund - \$82,487.17; From Forman City Outlet Project to General Fund - \$17,812.83; From Drain No. 12 to General Fund - \$12,300.00; From WCI # 1 to General Fund - \$21,300.00 and From Drain No. 9 to General Fund - \$5,600. (Engst/Breker, unanimous)

Dana Banish, Cayuga, and Dave Braaten with Ellingson Tile met with the Board and Dana explained that he would like to improve the property behind the dike with subsurface tile upon approval by NRCS for the wetland determination; his plan is to then install an electric pump with a sump. Earlier he planned on an automated system but this has not been perfected and his plan is to install a larger electric pump to handle the subsurface runoff and the surface runoff at the trigger elevation previously established by the Board under Mr. Banish's surface permit. Under the conditions of his Surface Permit No. 4171, Mr. Banish may not operate the pump below elevation 1,164.80 when the water in the Drain 12 lateral is outside of its channel. Under Mr. Banish's new plan, the valve will be connected to the sump and the same pump would run both the tile and subsurface discharge. The discharge would be 7" with a 20 hp (301 gallons/minute). In high water situations Dana would still use a tractor PTO and he would use a 12" pump which is within the approved capacity. He would like written approval so he can file a request for this system. The tile would go over the top of the rise in the drain and not through it. The Board asked if the pump would be visible to naked eye, and if the discharge will appear to be contributing to the discharge subject to the trigger elevation. Mr. Braaten indicated the water can only go so fast at 301 gallons per minute and it will be cycling. The Board is concerned that, until the sediment is cleaned out, there will be issues with basically pumping this water up-hill. NRCS will look at the conditions regarding a wetland determination and decide if it was completely drained prior to 1985. There are aerial photos of this area available. More information is needed on the plan from Dana and Ellingson Tile; Sean Fredricks, Attorney for the Board, will need to see the exact plan to see if the modification being proposed will require approval from this Board. Mr. Fredricks will make a recommendation to the Board at the January meeting. Dana asked about placing a berm along County Road # 5 to keep the water in the ditch, which would decrease any flooding. The Board discussed studying the right of way deeds for Drain No. 12; Chris Gross will review the Drain 12 right of way documents.

Emeric Erickson, Milnor, arrived at the meeting to discuss two tile projects for which he submitted Applications for Subsurface Drainage for EB Farms, Inc. – Project # 1 – NW1/4-9-132-53 which flows to Tri-County Drain and Project# 2 – NE1/4-4-132-53. The Board approved Project #2, with the requirement that the Applicant obtain a Utility Permit from the Tri-County Board regarding use of Tri-County Drain (Engst/Breker, unanimous). However, the Board may have to review with Sean at the Board's January meeting.

Loren Ellefson, Milnor, met with the Board to discuss his surface drain permit and Mr. Mahrer's drainage complaint. Sean Fredricks previously sent Mr. Ellefson a letter to notify him that the Board was setting December 18 as a deadline for Mr. Ellefson to satisfy the conditions of his permit, including the requirement that he obtain a flowage easement from Mr. Mahrer. Mr. Ellefson indicated he talked to Jim Mahrer and voiced his general opposition to Mr. Ellefson's drainage project. If Mr. Ellefson does not satisfy the conditions of the surface permit (including easement requirements from Mr. Mahrer and others as per the permit conditions), the Board indicated it would have to consider Mr. Mahrer's drainage complaint, and the Board may ultimately have to direct Mr. Ellefson to close the drain. Mr. Ellefson indicated that the pump has been shut off since July. Chris Gross agreed to confer with Sean Fredricks regarding the procedure for considering Mr. Mahrer's drainage complaint, in the event Mr. Ellefson does not satisfy the conditions of his permit.

Brian and Cole Vculek, Crete met with the Board to discuss the two Applications to install Subsurface Drains and one Surface Drainage Application. The Application to Install a Subsurface Drain in the S1/2-36-132-58 for Katie Vculek was approved in September, 2013 with conditions. The next Subsurface Application is located in the NE1/4-7-131-57 for Katie Vculek. Discussion followed on whether it is necessary to obtain a permit. Chris Gross provided maps of this area and there is still uncertainty on this application. Chris will visit with Sean Fredricks and further discuss this application in January. The Surface Application for Farrar Farm Family Irrevocable Trust will be sent by Mr. Vculek to the ND State Water Commission for their review and consideration.

Douglas and Jay Harris, Crete, met with the Board to review their previous Application for Subsurface Drainage the Board considered at the November meeting. The Harrises have decided to amend their application and proceeded to complete the required paper work for the amended application in the W1/2-29-132-58. Under the new plan, the project will discharge directly into an existing slough and, therefore, the project will not require any Thirty-Day Notice, nor can the Board require applicant to obtain a flowage easement as a condition to the permit. Chris Gross will take the application back to review with Sean Fredricks, Attorney for the Board, and Chris and Sean will advise the Board regarding permitting requirements at the Board's January meeting.

Harlan Klefstad, Forman filed an Application to Install a Subsurface Drain in the NW1/4-25-129-56. Chris and Sean will review the application and will advise the Board regarding permitting requirements at the Board's January meeting.

The Paul Mathews trial on the right of way issue on Drain No. 11 was rescheduled for January 8, 2014 in Forman.

Chris Gross presented a proposal for **Project Development for Drain No. 7** to include: a) additional modeling; b) survey; c) preliminary plans and cost estimating; and d) public meetings. The total estimated cost in Chris' proposal is \$5,500. Authorize Moore Engineering, Inc., to proceed with the project development. (Zetocha/Breker, unanimous)

Chris Gross updated the Board on the **Application for Conditional Water Permit for Frenier Dam**, an application the Board submitted to the ND State Water Commission. The work has been completed and a hydrologist from the ND State Water commission will be in contact with the Board to discuss the conditions of the permit.

The Board received an **Obstruction to Drain Complaint from Gladys Shockman** in the NW1/4-30-132-58 against Divide Township in Dickey County. Tabled until January meeting.

Motion to approve **extra compensation for the Secretary-Treasurer** at an amount of \$4,000. (Engst/Died for lack of a second). Move to approve extra compensation for the Secretary at an amount of \$3,500. (Zetocha/Bosse, unanimous)

Meeting adjourned at 12:30 p.m.

CHRIS MCFARLAND – CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY