

**MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, MARCH 16, 2006 AT 7:00 P.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND**

Managers present: Mark Breker, Dan Jacobson, Roger White, Richard Engst and Randy Ptacek. Absent none.

Discussed the CD fund and maturity dates. Motion to reinvest No. 12373 for 3 months and reinvest Nos. 12372, 12375, 12376 and 12374, for 12 months. (Jacobson/White, unanimous) Approve February 16, 2006 minutes and financial statement. (Ptacek/Jacobson, unanimous)

Approve payment of the following bills: (Ptacek/Engst, unanimous)

54343 Mark Breker	Travel	88.92
54344 Downtown Café	Cookies and Coffee/3-14 meeting	47.00
54345 Richard Engst	Travel	62.40
54346 Forman City	Hall rental 3/14	35.00
54347 David Hoffer	Beaver Control/SCWC#1	50.00
54348 Dan Jacobson	Travel	23.01
54349 Randy Ptacek	Travel	23.40
54350 Red River Basin Commission	2006 contribution	960.00
54351 Roger White	Travel	88.14
54417 Mark Breker	4 PD less 23.53 + meal	283.97
54418 Danny Jacobson	4 PD less 23.53 + meal	283.97
54419 Sherry Hosford	Sec salary less 20.40	246.27
54420 Richard Engst	4 PD less 22.95	277.05
54421 Randy Ptacek	3 PD less 18.36	221.64
54422 Roger White	4 PD less 22.95	277.05
DD Sargent County Bank	Withholding taxes	263.97

Jeff Breker met with the Board to present a Permanent Easement and Permanent Right of Entry instrument relating to the NE1/4 of the NW1/4-16-129-54 LTL prepared by his attorney and approved by Attorney Duane Breitling. The permanent easement/permanent right of entry defines the general terms and conditions of the easement. Approve the easement. (Jacobson/Engst, unanimous) Jeff will get the documents recorded, send to the State Water Commission with his permit and the Board will meet on March 27 to discuss approving the permit.

Board members were informed that the Sargent County Spring Township Officers meeting would be held on Wednesday, March 29 at 10:30 a.m. at Forman City Hall. The Water Board will be on the agenda for a report.

OLD BUSINESS: Several projects were discussed and work carried over until conditions are favorable to proceed with the work. Sherry was instructed to contact Sandy Hanson, SC Emergency Manager to ask about small projects and whether an improved project request must be made before any additional work can be done. Moore Eng. hasn't responded to the request for work on the Nelson Dam watershed. A phone call will be placed to Jeff Volk to check on the status of the survey.

Doran and Laurel Mallberg, Cogswell arrived at the meeting to discuss the Corps of Engineers Permit application for leveling the spoil bank in Section 8-129-56. Mr. Mallberg and the Board reviewed the application and discussed the points that need clarification. A letter addressing the points of clarification will be prepared and returned to the Regulatory Program Manager at the North Dakota Office.

Contractors have contacted Board members of their interest to bid on FEMA projects. The Board will contact John Wirries, Moore Eng. to coordinate a date to meet with the contractors and coordinate a date to inspect the areas.

Sherry presented a list of North Dakota Water Board Per Diem ranging from \$90 to \$40. State law requires that each board member shall receive the sum of at least \$45/per day. Approve increasing per diem to \$80/meeting effective March 1, 2006. (Ptacek/Jacobson. Roll call. Aye: White, Engst, Ptacek, Jacobson, Breker. Nay: None. Motion carried.

NEW BUSINESS: The Red River Basin Commission meeting held on Forman City Hall on March 14 was attended by approximately 38 people. They would like a person from this Board to represent the county and an alternate to serve on a Steering Committee and attend quarterly meetings. Roger White agreed to be the representative and Mark Breker will be the alternate.

Meeting recessed to March 27.

The Board recessed at 9:00 a.m. on Monday, March 27 with the following present. Managers Mark Breker, Dan Jacobson, Randy Ptacek, Richard Engst and Roger White. Also present Jim Bosse, Cogswell and John Hayen, Cogswell.

The FEMA project on Drain No. 11 in Section 27-130-57 includes land owned by both Mr. Bosse and Mr. Hayen. It is necessary to acquire additional right of way to proceed with the project. There is approximately 5.01 acres from the NW1/4 and .40 from the NE1/4 that is needed. Discussed installing additional culverts to

equalize the water. The Board proceeded to negotiate with the landowners on purchasing the land for right of way. Both landowners agreed to \$1100 per acre. Approve land purchase at \$1100 per acre and Water Board pays all legal costs, install culverts and the Board will work out any crop damage on John Hayen's that occurs during the project. (Jacobson/White, unanimous)

Roger White left the meeting at 10:00 a.m.

Dave Breker, NRCS, Craig Speich, Harlan Hogness and Mike Martinson, Hall Township Board Supervisors arrived at the meeting. Mr. Breker explained the culvert installation in the NE1/4-7 and NW1/4-8-132-53. Ray Martinson has requested to install an equalizer culvert in the township road between these two quarters. Don Johnson and operator Dan Mund do not have an outlet so they are against the culvert installation. Installation of this equalizer culvert is not in violation of the Food Security Act (FSA). The NRCS has no recommendation if culvert should be installed but will give technical assistance to Johnson if he wants to install a temporary or permanent drain and if the drain is allowed by the FSA, Water Board and downstream landowners. According to those present if this culvert were installed, Mr. Johnson's driveway would go under water and continue towards Delamere. There are some soft spots along the township road that concerns the township board and no concern about going over the roadway. The Board feels they cannot stop them from installing an equalizer culvert and prefer at least an 18-inch culvert. It was suggested that the culvert be placed north of the Johnson driveway and the water would flow along the south side of the railroad. Mr. Breker could look at the area if he has a request from either landowner. The Township Board will talk to States Attorney Bopp for his opinion and assistance.

Dave Breker had several other issues to address: 1) Thomas and John Dondelinger, Thief River Falls, MN on SE1/4 and NW1/4-31-132-57 - Wetland Reserve Program - can a dike be built adjacent to Drain No. 11 on easement land to pond water? Are there any guidelines or restrictions? If allowed, this dike would probably be built on existing spoil pile. Adjacent landowners to the WRP will be notified to make a more complete wetland restoration project. This would be a temporary hold for about one month. This would slow down the water from flowing into the drain. Natural runoff would be held within a berm. All adjacent landowners would be contacted by NRCS and if they were not willing to allow this project, NRCS would not proceed. NRCS will also keep track of the high water table. The Board would like to hear what area landowners have to say about the project before they determine their stand. 2) Doran Mallberg (operator-Dennis Flihs) - Drain No. 11 cleanout in NW1/4-8-129-56 - old spoil is on the north side of the drain and new spoil is on the south side of the drain, placed in a wetland in the late 1990's. There is no evidence of prior to 1986 spoil on the south side. Doran requested to level the new spoil. This would place the spoil in a wetland so it is not allowed. He must remove the spoil from the wetland if he wants the spoil leveled/spread out. Mr. Breker suggested that in the future contractors be instructed to place the spoil bank on the existing piles. 3) Bosse Brothers - Drain # 11 cleanout requested and new easement of N1/2-27-130-57. CRP acres need to be seeded to specified grass species, need COC approval as per FSA letter dated 3/14/06. No spoil can be placed in wetland unless mitigated so a Certified Wetland Determination must be done before cleanout begins. Spoil can be placed on prior to 1986 spoil and on non-wetland areas. Proposed new/new temporary easement for the purpose of spreading the spoil will be allowed on non-wetland area as determined by the CWD. This does not appear to be a problem with the proposed project. 4) Joe Breker - Tile Drain on S1/2-31-130-54 LTL - and Jeff Breker - Tile Drain on N1/2-16-129-54 LTL both need to complete a Certified Wetland Determination before installing tile drain. If wetland(s) exists, need to maintain a yet to be calculated drawdown distance between the tile and wetland.

Received letter from Office of the State Engineer including Application to Drain #3108 from Jeffrey Breker, Havana and #3110 and #3111 from Joe Breker, Havana. These projects have been determined to both be of neither statewide or interdistrict significance. Therefore it is the responsibility of this Board to review the applications to drain, pursuant to NDCC 61-32-03 and evaluate the applications. Approve Application Nos. 3108, 3110 and 3111. (Jacobson/Engst, unanimous)

The Board placed a conference call to John Wirries, Moore Eng., Inc. to discuss a date and time to meet with the contractors to view the FEMA projects. Mr. Wirries agreed to keep his days flexible and with two days notice and after the flood has passed he will accompany Board members and contractors to view the project. Call him when the peak is hitting in Sargent County and then a week to ten days after that date a meeting will be scheduled.

Discussed the David Totenhagen complaint that was addressed on 1-19-06. Chairman Breker requested a letter from Duane Breitling be sent to Mr. Totenhagen.

The meeting recessed to this evening at 7:30 p.m. for the public hearing on Nature Preserve Articles of Dedication Amendment.

The meeting reconvened on March 27, 2006 at 7:30 p.m. at the Sargent County Bank Building, Rutland, ND for the purpose of a public hearing on the Head of the Mountain Nature Preserve Articles of Dedication Proposed Amendments. Members

present: Mark Breker, Dan Jacobson, Randy Ptacek, Richard Engst and Roger White. Others attending were Kathy Duttenhefner and Justin Parks, ND Parks and Recreation, John Kwapinski, Fort Ransom State Park, Jeff Breker, John Breker, Bill Huckell, Jeff Olson, Mike Walstead, Connie White and Sherry Hosford.

Ms. Duttenhefner, was the hearing officer and opened the meeting by outlining the proposed Articles of Dedication Amendments, which include: 1)Access provision changes, 2)Sign provision changes, 3)Fence provisions changes, 4)Preserve inspection provision addition, 5)Vegetation management provision addition and 6)Collaborative management process provision addition. Comments were received from meeting attendees. Replacing the fence will be placed in the NDPR budget for 2007. An informational kiosk will be placed near the entrance to the preserve with brochures and maps. A parking area is the responsibility of the Water Board and will be adjacent to the roadway. Signs will be placed in specified intervals advising that the area is a Nature Preserve. A preserve inspection will be conducted minimally once a year. NDPR would like to introduce new vegetation to improve the ecological health of the preserve and provide natural areas for the public to enjoy. Brochures describing the preserve are available from NDPR at no charge and will be sent out for distribution in the county. ND Parks and Recreation will meet annually with the Sargent County Water Board to discuss any management issue or concerns on hunting in the preserve.

No further comments were made and the hearing was closed at 8:30 p.m.

The meeting adjourned.

---

MARK BREKER - CHAIRMAN

ATTEST:

---

SHERRY HOSFORD - SECRETARY