

MINUTES OF THE SPECIAL MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON FRIDAY, MARCH 23, 2018 AT 8:30 A.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA VIA CONFERENCE CALL ORIGINATING FROM SARGENT COUNTY COURTHOUSE, FORMAN ND.

The WRD managers and agents present via phone were: Luke Siemieniewski, board chairperson; Chris Gross, board engineer and Sean Fredricks, board attorney. Present at the courthouse were: Todd Stein and Roger Zetocha, board managers and Sherry Hosford, Secretary-Treasurer. Absent: Bruce Speich and Korey Martinson, board managers. Others present were: Andy Seyer, Oakes and Bob Banderet, Cogswell.

Chairman Siemieniewski called the meeting to order at 8:36 a.m. The purpose of the meeting was to discuss the Lovell Drainage Project and Andrew Seyer Subsurface Water Management Application.

**LOVELL DRAINAGE PROJECT:** The North Dakota State Engineer's office recently e-mailed the Sargent County Water Resource District and the Dickey County Water Resource District regarding OSE's review of the Lovell Improvement Project. The Lovell Project applicants submitted an updated project model in late 2017 regarding lowering of the dam spillway to 1,304.25 feet, a change which resulted in more frequent discharges from the drain/dam between Sections 10 and 15. The State forwarded a dam permit to the Dickey County Water Resource District for comment, and also solicited any comments either of the Boards might have regarding the drainage permit.

Sean Fredricks reminded the Board that the Dickey County Water Resource District and the Sargent County Water Resource District jointly processed the Lovell Improvement Project drainage application for purposes of the statewide significance proceedings. The State simply inquired into whether or not either Board has any suggestions or comments regarding statewide significance status of the permit as a result of the updated modeling from the applicant. Chris Gross reported the Dickey County Water Resource District met on Wednesday, March 21, 2018, and had no comments regarding the drainage permitting or the dam permit application. The Sargent County Board similarly had no concerns regarding either item and directed Chris Gross to work with Sherry to prepare a letter to the State Engineer's office indicating the Sargent County Water Resource District does not have any comments regarding APPLICATION TO CONSTRUCT NO. 2506 or SURFACE DRAINAGE PERMIT NO. 4757. Manager Zetocha moved to direct the Secretary-Treasurer, with the assistance of the Board's engineer, to notify the State Engineer's Office the Sargent County Water Resource District does not have any suggested changes, conditions, or modifications regarding APPLICATION TO CONSTRUCT NO. 2506 and that the Board concluded no additional statewide significance proceedings are necessary regarding SURFACE DRAINAGE PERMIT NO. 4757. Manager Stein seconded the motion. On roll call vote the motion carried unanimously.

**ANDREW SEYER SUBSURFACE WATER MANAGEMENT PERMIT NO. 2018-03:**

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2018-03* dated March 21, 2018, for Andrew Seyer. Under the application, Applicant seeks to install a drain tile system in the Southwest Quarter of Section 32 and the south 40 acres of the Northwest Quarter of Section 32 in Verner Township, Sargent County, North Dakota. The project will include a pump outlet in the southwest corner of the Southwest Quarter of Section 32; the tile discharge will flow into the Jackson Township Improvement District No. 1 Project, though the pump station will not be located directly on the legal drain right of way.

Because the project will ultimately discharge 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, the Board cannot attach any conditions to protect the Jackson Township Project, nor can the Board require Applicant to obtain any downstream consent. The Board can, however, require Applicant

to turn off his pump during flood conditions downstream, and the Board concluded that condition is necessary for this project.

According to records provided by Applicant, Andrew and Renee Seyer own the Southwest Quarter of Section 32 and the south 40 acres of the Northwest Quarter of Section 32, the property Applicant intends to tile.

Manager Stein moved, and Manager Zetocha seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2018-03* dated March 21, 2018, for Andrew Seyer in the Southwest Quarter and the south 40 acres of the Northwest Quarter of Section 32 in Verner Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2018-03, subject to the following condition:

- 1) 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 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 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.

Meeting adjourned at 8:52 a.m.

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LUCAS SIEMIENIEWSKI, CHAIRMAN

ATTEST:

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SHERRY HOSFORD – SECRETARY-TREASURER