

SARGENT COUNTY WATER RESOURCE DISTRICT

March 29, 2007

Courthouse, Forman, ND

MANAGERS PRESENT: Mark Breker, Dan Jacobson, Richard Engst, Roger White and Jim Bosse

MANAGERS ABSENT: None

EX-OFFICIO MEMBERS: Attorney Sean Fredricks
Engineer Mike Bassingthwaite (Interstate Eng.)

The Richland County WRB met with the Sargent County Board at this time. Those attending were James Haugen, Robert Rostad, Gordon Johnson, Arv Burvee and Monica Zentgraf, Secretary.

The purpose of the meeting was to discuss water issues relating to Richland County Dr. #11 and Sargent County Drain #3 and to further consider whether the two Boards should form a Joint Board for the purpose of managing the two drains as one joint drain. Attorney Fredricks drafted a Joint Water Resource District Agreement and explained the outline format in accordance with Section 61-16.1-11 of the North Dakota Century Code. A motion was made to enter in to this agreement with Richland County to create a Joint Board (Engst/Jacobson. Roll call. Aye: All. Nays: None. Motion carried unanimously) The agreement prepared by Attorney Fredricks will be modified and signed at a later date.

Discussion followed on consolidating the drains. The name chosen for the joint board is Richland/Sargent Drain No. 1. Richland County will handle the administration/financial duties. Insurance coverage was discussed and Attorney Fredricks will contact North Dakota Insurance Reserve Fund to seek advice on insurance coverage.

There is still some unfinished work on SC Drain # 3 and it was agreed to postpone consolidation of the drains until this work is completed.

At this time the Richland/Sargent County Drain No. 1 proceeded to organize. Motion to authorize Interstate Engineering, Inc. to investigate the potential for consolidation and reassessment of Drain 3 and 11, and to inspect properties that could potentially be affected. (Burvee/Engst. Roll call. Aye: All. Nays: None. Upon roll call vote motion carried unanimously) Mike Bassingthwaite will assemble maps with percentage amounts, drive the area and make changes. Some Board members will accompany Eng. Bassingthwaite to visually inspect the entire area. The Secretary's from both counties were instructed to provide parcel information, copy of percentage maps prior to April 16, which was determined for the week to do the inspection.

Motion for Chairman. Mark Breker, Sargent County (Burvee/Jacobson. Roll call. Aye: All. Nays: None. Upon roll call vote motion carried unanimously)

Motion for Vice-Chairman. James Haugen, Richland County (Johnson/Bosse. Roll call. Aye: All. Nays: None. Upon roll call vote motion carried unanimously)

Motion for Secretary-Treasurer. Monica Zentgraf, Richland County (Burvee/Jacobson. Roll call. Aye: All. Nays: None. Upon roll call vote motion carried unanimously)

Motion for Attorney/Legal Counsel. Sean Fredricks, Ohnstad Twichell Law Offices (Johnson/Jacobson. Roll call. Aye: All. Nays: None. Upon roll call vote motion carried unanimously)

The Joint Board meeting adjourned at 11:25 a.m.

The Sargent County Board proceeded to discuss two issues from the March 15, 2007 meeting with Attorney Fredricks present.

A discussed followed on abandoning drains-specifically Sargent County Drain No's 14, 17, 18 and 19. If a drain is not maintained it is considered abandoned and a resolution must be passed to officially take this action. Attorney Fredricks will prepare the resolution for the Board's consideration at their April 19, 2007 meeting. Another option would be for the landowners to petition to return the money and it would be pro-rata to landowners.

The Application to Drain (#3156) filed by Thomas W. Mund to construct a tile drain system on NE1/4 and SE1/4-31-132-53 was reviewed and discussed with Attorney Fredricks. He advised the eight point questionnaire that the State Engineer's Office requires be completed by the landowners to take responsibility on the factors involved in a drainage project. The SC Water Board must also complete and sign this questionnaire. It was suggested that the Board send out an Affidavit of Applicant in Support of Drain Application with the questionnaire for completion by Mr. Mund. This also would indemnify the Board for all amounts incurred by the Board as a result of any damages, claims, demands, actions, causes of action, or claims for relief, including costs and reasonable attorney's fees, incurred by the District as a result of any incorrect statement projected by the applicant.

Discussion followed on whether to adopt a policy requiring the affidavit and completing the questionnaire. A motion was made to adopt a policy requiring the completion of the Affidavit of Applicant in Support of Drain Application upon receipt of a Drain Application and also to complete the eight point questionnaire for the Board's consideration. (Jacobson/White, unanimous)

The Board determined that it is necessary and appropriate to conduct a hearing to consider Drainage Application #3156 to serve public and private interests. Chairman Breker directed the Secretary to send this information to Mr. Thomas W. Mund for completion and set a hearing date for Thursday, April 19, 2007 at 7:15 p.m. at the Sargent County Courthouse, Forman, ND to allow all interested parties to present relevant statements, evidence, exhibits, or other information in support of or in opposition to this proposed project.

Board members also discussed placement and sizing of culverts, phone line in a drainage ditch and a bridge that is holding tumble weeds. These items will be discussed further at the next regular meeting.

Meeting adjourned at 12:45 p.m.

MARK BREKER – CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY