

**MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, APRIL 18, 2002 AT 8:00 P.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND**

The meeting was called to order with the following present: Dan Jacobson, Richard Engst, Mark Breker, Randy Ptacek and Roger White. Absent none.

Approve March 22, 2002 minutes and financial statement. (Breker/White, unanimous)

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

43245 Mark Breker	Travel	11.16
43246 Richard Engst	Travel	35.34
43247 Dan Jacobson	Travel	14.88
43248 Moore Engineering, Inc.	Tewaukon Watershed	2076.90
43249 Ohnstad, Twichell Law Offices	Ruby easement (SCWC#1)	146.00
43250 Randy Ptacek	Travel	15.50
43251 Roger White	Travel	16.12
43239 Mark Breker	1 PD less 4.59	55.41
43240 Danny Jacobson	3 PD less 13.77	166.23
43241 Sherry Hosford	Sec. Salary less 20.40	246.27
43242 Richard Engst	2 PD less 9.18	110.82
43243 Randy Ptacek	2 PD less 9.18	110.82
43244 Roger White	2 PD less 9.18	110.82
DD Sargent County Bank	Withholding taxes	133.40

The Forestry Service and the Red River Riparian Board is still working Silver Lake tree planting. The Water Board is waiting for more information.

Mark Breker gave a report on the fencing project on Brummond-Lubke and obtained prices for the materials. Dan talked to a South Dakota resident and they are in the process of maintaining a dam in SD and are responsible for the costs. They also assess landowners for the maintenance. Mark will pursue his research for materials.

Karen Anderson, Bill Smith, Steve Wyum and Ray Brockman, county commissioners and Paul Mathews met with the Board to discuss an ongoing concern with Mr. Mathews on Drain No. 11. Mr. Mathews would like the Board to request an Attorney General's opinion on the following issues: 1) Whether a "right of way deed" conveys fee title or an easement interest in property for drain purposes and does the extent of the interest extend beyond that portion of the drain that is actually used; 2) Whether the Water Board may use the lands along an assessment drain for maintenance purposes for the first time 80 years after the drain was constructed; 3) When does failure to properly maintain a drain constitute abandonment of a drain and its associated property interest and how long a period of non-maintenance of a drain is necessary to declare a drain abandoned; 4) Can the county assess benefits to lands formerly in Drain No. 16 inadvertently left out of the 1984 reassessment of Drain # 11 to correct its Drain # 11 assessment without notice or any other form of due process to affected landowners; 5) Whether the county can restrict a landowner's farming practices over the drain to safeguard the tile and hold the landowners responsible for damages to the tile. Chairman Jacobson addressed each issue with a response regarding the Water Board's opinion. The county commissioners and Mr. Mathews left the meeting after the Water Board decided to discuss these concerns. After further discussion, the Water Board feels that the opinion received from Attorney Breitling that the land in question is property of the county and there are right-of-way deeds showing that the county owns the land in question. Motion to not seek an Attorney General's opinion. (Breker/Engst. Roll call. Voting yes: Jacobson, Breker, Ptacek, Engst and White. Voting no. None. Motion carried unanimous)

Mark Breker visited with Ron Herr, NRCS on the Lucille VanVlanderan complaint. Dave Breker has surveyed the area and NRCS has approved the drainage ditch, which Jerome Wisnewski put in. The Board will respond to Mrs. VanVlaederan that Mr. Wisnewski is in compliance with NRCS and no violation exists.

The tree piles along Drain No. 3 by Tom Siemieniewski's have been buried by Crandall Construction (a total of 16 piles).

Some of the Board members attended a meeting in Denver Township at the request of several landowners. The purpose of the meeting was to get information, approval and funding to clean a major natural drain north and west of Crete. The Board explained that they have no objection to cleaning the natural drain but the monies from Drain No. 11 cannot be spent to clean because this area is not a part of the legal drain. Denver Township plans to do the work to help benefit the flooded farmland and pasture acres. They will work with the county road department to utilize a backhoe most cost effectively.

The meeting adjourned at 10:45 p.m.

ATTEST:

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SHERRY HOSFORD - SECRETARY