

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, May 17, 2007 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 Jim Bosse. Absent none.

Board members reviewed information from Attorney Fredricks regarding the Thomas Mund Drainage Application. The written transcript from the hearing was also discussed.

Approve April 19, 2007 minutes as presented and April financial statement. (Jacobson/Engst, unanimous)

Approve payment of the following bills: (White/Jacobson, unanimous)

| | | |
|------------------------|---------------------------------|---------|
| 57233 Jim Bosse | Travel | 49.98 |
| 57234 Mark Breker | Travel | 66.78 |
| 57235 Richard Engst | Travel | 59.64 |
| 57236 David Hassebroek | Beaver-Dr. # 11 | 50.00 |
| 57237 James Hoffer | Beaver-SCWC # 1 | 50.00 |
| 57238 Harlan Hogness | Beaver-SCWC # 1 | 50.00 |
| 57239 Dan Jacobson | Travel | 36.54 |
| 57240 Ohnstad Twichell | DR#3-\$882.70, General-\$962.00 | 1844.70 |
| 57242 Roger White | Travel | 120.13 |
| 57311 Mark Breker | 5 PD less 31.18 plus meal | 376.32 |
| 57312 Danny Jacobson | 3 PD less 18.36 | 221.64 |
| 57313 Sherry Hosford | Sec. Salary less 20.40 taxes | 246.27 |
| 57314 Richard Engst | 4 PD less 25.06 plus meal | 302.44 |
| 57315 Roger White | 4 PD less 25.63 plus meals | 309.37 |
| 57316 James Bosse | 4 PD less 24.48 | 295.52 |
| DD Sargent County Bank | Withholding taxes | 291.55 |

Sean Fredricks, Attorney, Ohnstad Twichell Law Offices and Tom Mund arrived at the meeting to discuss whether to grant the permit to drain. The Board conducted a site visit on March 30, 2007, to inspect the proposed drainage area. On its site visit, the Board noted that the entire watershed area that would drain into the proposed tile drainage is at least 80 acres, and not 52 acres as described in Mr. Mund's application. Under North Dakota law, the Board must determine if the proposed tile drainage will flood or adversely affect downstream lands. If the tile drainage will result in flooding or adverse affects to downstream lands, the Board cannot approve the permit unless Mr. Mund obtains flowage easements from those downstream landowners. The permit can be denied or granted with the condition that flowage easements be obtained from those affected by the water. This is a unique situation because the water does not flow into a legal drain. The Board discussed the potential affects Mr. Mund's proposed tile drainage project might have on downstream lands. Board members concluded that the outlet will cause excess water to flow across the Southeast Quarter of Section 30 in Hall Township, land currently owned by Dick Kuehn. The flow from the outlet will exceed the natural flow over that property, which may result in more water for longer periods of time, and will otherwise adversely affect that property. The Board also discussed Mr. Mund's refusal to complete an Affidavit of Applicant in Support of Drain Application. Under North Dakota law, an applicant is required to undertake and be responsible for the investigation of the proposed drainage application. The Board has a policy that all applicants complete an affidavit to meet those obligations, and to assist the Board in considering the proposed drainage project. The Board also discussed the necessity for landowners to obtain all other required permits themselves, including any necessary permits from NRCS or other entities. Mr. Mund may or may not need other permits in this case, but that is for Mr. Mund to determine. Motion to approve the permit with the conditions that Mr. Mund obtains a flowage easement from the owner of the Southeast Quarter of Section 30 in Hall Township that Mr. Mund completes an affidavit and that Mr. Mund be responsible for obtaining all other permits required himself. (Bosse/Jacobson. Roll call. Aye: White, Engst, Bosse, Breker and Jacobson. Nay: none. Motion carried.)

Arlin Willprecht, Lidgerwood, met with the Board to discuss a water problem in Section 8 & 9-130-53. The water is flooding into his son's farmyard and has been pumped two times in the last two years. He would like to put in a culvert under the railroad track to allow the water to flow to the southwest and flow to the river. The Board inquired if it is possible to obtain flowage easements from downstream landowners. Mr. Willprecht agreed to complete an Application to Drain, answer the eight point questionnaire and complete the Affidavit of Applicant in Support of Drain Application and contact the landowners on obtaining flowage easements. It is the Board's decision to determine if the area has a watershed area comprising 80 acres or more and if it will drain a pond, slough, and lake or sheet water.

Steve Wyum, County Commissioner arrived at the meeting at 9:30 p.m.

Carol Peterson, Milnor City Council, met with the Board to thank the Board once again for all the help from this Board during the flood of 2005. She presented

some issues the were not considered when a 5'6" culvert was lowered on First Street. It is too steep and there is erosion that has occurred, making a dangerous situation on the roadway. Milnor City is requesting 50% cost share on an extension - a 45 degree elbow and a ten foot extension on each end of the existing culvert. Estimated cost is \$2648 plus labor. Due to erosion problems, necessary improvements should be made to the culvert and surrounding area on 1st Street in Milnor. At the culvert area the road is narrow with steep, eroding banks. Rip rap (30 to 40 yards to be donated) and dirt work should be done to maintain this area. Estimated cost - \$500. This improvement would improve a hazardous situation, decrease maintenance issues and facilitate the water flowing out of Storm Lake and into SC Water Channel District No. 1 (Drain No. 7). Motion to approve 50% cost share of the culvert extensions and rip rap up to \$1600 and negotiate on the labor bill after the work is completed. (Jacobson/Engst. Roll call. Aye: Engst, Bosse, Breker, Jacobson and White. Nay: none. Motion carried)

Carol Peterson, on behalf of Milnor City requested that a policy be established with the SC Water Board that all future maintenance of the drainage canal and culverts be a 50% cost share. This proposal was submitted to cooperatively manage the drain and keep it in good condition, eliminating major problems in the future for both the Water Board and Milnor City. This canal is not part of the legal drain and if the Board uses these funds, they have to determine that it benefits the drain. After further discussion, the Board felt that both the city and the Water Board should work jointly to participate 50-50 on the canal maintenance. Motion to adopt this policy presented by Milnor City. (Engst/Bosse. Roll call vote: Aye: White, Engst, Bosse, Breker and Jacobson. Nay: none. Motion carried)

Board members discussed with Commissioner Wyum a water problem on the Sargent/Richland line in Section 25-132-53. Mr. Wyum agreed that the site needs to be looked at with county representatives and Water Board members along with Hall Township Board of Supervisors.

Motion to adopt the following: Resolution to Abandon Sargent County Drain # 14, Resolution to Abandon Sargent County Drain # 19, Resolution to Abandon Sargent County Drain # 17 and Resolution to Abandon Sargent County Drain # 18 as per attached resolutions and authorize Secretary to transfer funds from said drains to Tewaukon Watershed Drain and General Fund respectively. (Jacobson/White, unanimous)

The Board reviewed types of hunting that they would like to propose to ND Parks and Recreation to include pheasant, turkey, deer gun, deer archery, and muzzleloader and deer gun youth season. NDPR will meet with the Board on June 21 to discuss this proposal.

Weber Township experienced torrential rains during the early May storm and had damage to several roads. They are requesting cost share on a 36"x40' culvert on the north end of the intersection of Section 27 and 26 in Weber Township. This culvert will replace a 30" culvert presently located at this junction. Another site in NW1/4 of Section 24 in an approach a 36"x40' culvert is needed. This will replace an 18" culvert. Motion to approve the culvert for the roadway between Section 26 and 27 and deny the request for the approach culvert in Section 24 and also deny the request for repairs to the roadway on the State line. (Jacobson/Bosse, unanimous)

Discussed a request from Whitestone Hill Township to replace some culverts. Locations were unknown at the meeting and Dan Jacobson will visit with the township supervisors to request a letter with their request and locations.

Jim Bosse and Dan Jacobson met with Cogswell City officials after the heavy rainfall in early May as the city was requesting some assistance. Water was flowing over the road by the elevator but now it has receded and Jim Bosse reported there is no water movement at this time. The water is still three foot deep over the tile and some concern if the cap is plugged. They will continue to monitor the situation.

Richard Engst discussed seeding grass along SC Water Channel Imp. # 1 through Milnor City and will check on pricing and report at the June meeting.

The Agreement for Cost Participation by the ND State Water Commission in the Sargent County Drain No. 11 Improvement Reconstruction project will terminate on June 30, 2007. The Secretary was instructed to send a letter to NDSWC requesting an extension on this agreement due to wet conditions and awaiting the approval of an improved project from FEMA.

Meeting adjourned at 11:20 p.m.

MARK BREKER - CHAIRMAN

ATTEST:

