

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JUNE 17, 2010 AT 7:00 P.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND

Managers present: Jim Bosse, Richard Engst, Mark Breker, and Roger White.
Absent: Chris McFarland.

The Board placed a conference call to Kathy Duttonhefner, Coordinator/Biologist, North Dakota Parks and Recreation (NDPR) to discuss the Head of the Mountain Nature Preserve lease. The kiosk is at Jesse Hanson's brother (Dale McLaen's) home and the panels are still in Bismarck. Kathy can have someone deliver the panels to the McLaen residence. Mark Breker discussed fencing around the preserve and Kathy reported that NDPR have budgeted \$3,000 to put towards a fence unless there is not a need for any fence materials. The Board will inspect the fence line during annual dam inspection and get back to Kathy. Kathy reported that the county weed board sprayed wormwood and thistle with Milestone for 6 hours last year for a total cost to NDPR of \$375. The Head of the Mountain Nature Preserve Lease Agreement automatically renews from year to year starting August 1, unless terminated by either party. North Dakota Parks and Recreation informed the Board that they wish to renew the lease agreement. The Board agreed to renew the lease.

Ray Holcomb, Gwinner met with the Board to discuss a water problem that occurred this spring north of Milnor. Plywood was put over a culvert for the Milnor Drain and a hay bale put over it and water diverted into Ransom County. He presented photos of the area near the Sydna School at the intersection of 75th St SE and 141 Ave SE. Mr. Holcomb understands that something has to be done with the water but if they are going to divert water, there should be a culvert that is monitored and controlled. He just wanted to inform the Board of what happened and hopes that it doesn't happen again. Jim Bosse agreed that the Tri-County Drain Board should be meeting soon and discuss this problem.

Approve May 20, 2010 minutes and May financial statement. (Engst/White, unanimous)

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

62635 James Bosse	Travel	37.00
62636 Mark Breker	Travel	33.00
62637 Richard Engst	Travel	43.00
62638 Garrett Hayen	Travel	50.00
62639 Moore Engineering, Inc.	Jeff Breker-67.50; Buffalo Lake	- \$1117.50
62640 Ohnstad, Twichell	General-\$647.80; Jeff Breker	-124.00
62641 SC Envirothon Team	Water Education	500.00
62642 Roger White	Travel	275.30
4638 Mark Breker	2 PD less 18.36 taxes	221.64
4639 Sherry Hosford	Sec. salary less 24.22 taxes	292.45
4640 Richard Engst	3 D less 27.54 taxes	332.46
4641 Roger White	4 PD less 36.72 taxes	443.28
4642 Jim Bosse	3 PD less 27.54 taxes	332.46
DD Sargent County Bank	Withholding taxes	269.71

Board members discussed water problems in Cogswell and weeds appearing in Drain No. 11. Also discussed the annual dam inspection and will meet with NRCS on June 22 at 8:00 a.m. Board members will inspect areas of the legal drains to request helicopter spraying. Discussed the culvert located in Section 23-130-58 (Don Rust driveway). Roger will coordinate the proposed work with an available contractor.

Jeff Breker, Havana met with the Board to request a right of way easement for the S1/2 of SW1/4-9-129-54 LTL between Southeast Water User's (land owned by the water board and cash rent paid by Jeff Breker) Authorize the Chairman and Secretary to execute said easement. (Breker/Engst, unanimous)

Jeff Breker and Jerry Woytassek met with the Board to discuss the Application to Drain with Tile No. 3544 for Jeff Breker which was approved by this Board on May 20th. Mr. Breker was concerned about some of the conditions attached to the application namely No. 1. This states that if Mr. Breker intends to construct portions of the tile drainage in the SW1/4 of NW1/4-8-129-54 LTL, he must obtain and record an easement for purposes of constructing portions of the tile drainage in said description. This land is owned by Jerry Woytassek and he is working with Jeff to install this tile. It was agreed by those in attendance that Mr. Woytassek should apply to the ND State Water Commission (SWC) for a permit of his own on the SW1/4 of NW1/4 8-129-54 LTL. Mr. Woytassek obtained the paper work and will send his request to the SWC.

Jeff Breker made a request to the Board to obtain a ten (10) year lease on the NE1/4NW1/4-8-129-54 LTL, land owned by the SC Water Board and land that he plans to install a tile drain. He also requested a flowage easement from the SC Water Board for both himself and Jerry Woytassek for the Application to Drain with Tile No. 3544. The land is owned by SC Water Board and the permit requests flowage easements from the owner of any land, besides Mr. Breker, on which he constructs the tile systems. Board members agreed to discuss these requests with Attorney Fredricks.

The Board received a response from the ND Dept. of Transportation (NDDOT) in response to the letter and supporting letters from various agencies and citizens regarding the ND Highway 13 culvert and drainage concern west of Gwinner. Later this summer, NDDOT will survey the culvert's inlet and outlet to determine if any elevations have changed since it was installed. All letters, pictures and other information has been forwarded to the Bismarck office to determine if the culvert size is still appropriate. NDDOT has tentatively planned a rehabilitation project on ND 13 from Gwinner to ND Hwy 1 in 2013.

The Sargent Central Envirothon Team is requesting financial support for educational purposes. Manager White moved that the Board contribute \$500.00 to support water education for the Envirothon Team. Manager Engst seconded the motion. On roll call, the motion passed unanimously.

Application to Drain with Drain Tile #3550 for Gerald Bosse

The Board reviewed information from the State Engineer regarding Application to Drain with Drain Tile #3550 for Mr. Gerald Bosse. Mr. Bosse intends to construct a tile system in the Southeast Quarter of Section 14 of Brampton Township (Township 129 North, Range 57 West). The applicant owns the Southeast Quarter of Section 14 of Brampton Township. The outlet will be in the Northeast Quarter of the Southeast Quarter of Section 14, and the outlet will ultimately flow into Sargent County Drain No. 11. The Board is concerned about potential adverse impacts to properties between the discharge and Drain 11. It is not clear to the Board which properties the discharge must cross before it ultimately reaches Drain 11, so easements will be necessary from the applicant regarding any parcels the discharge will cross to reach Drain 11.

The Board reviewed the proposed responses to the eight-point questionnaire prepared by Chad Engels. The Board will require downstream flowage easements, and in light of the necessity for easements from downstream landowners, no hearing will be necessary. Mr. Engels indicated to the Board that the applicant should be required to install and maintain adequate erosion protection to protect the Board's project.

The Board reviewed and adopted Chad Engels' proposed responses to the eight-point questionnaire and the eight elements under 89-02-01-09.2 of the North Dakota Administrative Code. The Board further determined no hearing was necessary under Section 89-02-01-09.1(2) of the North Dakota Administrative Code because the Board will require the applicant to obtain flowage easements from downstream landowners.

Manager Breker, seconded by Manager White, moved to approve Application to Drain with Drain Tile #3550 for Mr. Gerald Bosse, subject to the following conditions:

- 1) the Board reviewed the application, and could not conclude which parcels the tile discharge must cross before the discharge ultimately reaches Sargent County Drain No. 11; however, it was clear to the Board the discharge would have adverse impacts to properties the discharge will cross; applicant must obtain and record (with the Sargent County Recorder's Office) flowage easements (and not just written consents) that include language permitting saline water from the owners of any land the tile discharge will cross before reaching Sargent County Drain No.11, all in Brampton Township, Sargent County, North Dakota;
- 2) that applicant obtain written permission from the owner of any land, besides land owned by applicant, on which applicant will construct the tile system;
- 3) that applicant provide and maintain adequate erosion protection at the outlet(s);
- 4) that applicant obtain written permission from Sargent County Commission/Brampton Township to discharge into and otherwise utilize any of their road ditches, as applicable.

5) 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.

The Board directed Sean Fredricks to prepare a Notice of Decision, and to provide the Notice of Decision to the State Engineer, the applicant, and other parties of record. Upon roll call vote, Chairman Bosse abstained, and all other Managers voted in favor of the motion. The motion carried.

Roger White reported on the Joint Powers Agreement with Red River Joint Water Resource District in North Dakota and Red River Watershed Management Board in Minnesota. Those involved are confident that they can collectively achieve meaningful basin-wide flood control under this Joint Powers Agreement. Attorney Fredricks has prepared and sent letters to the US Congressional delegation and Governor Hoeven informing them of this agreement and the appreciation of their input and leadership.

Mark Breker informed the Board that he had contacted Joe Lyons to trap beaver on land south of Todd Bergh's residence.

Meeting adjourned at 10:30 p.m.

JAMES BOSSE - CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY