

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD  
HELD ON THURSDAY, JUNE 21, 2012 AT 7:00 P.M., IN THE COMMISSIONERS ROOM,  
SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Richard Engst, Chris McFarland and Roger White. Absent: Mark Breker and Jim Bosse. Also present: Chad Engels, Moore Engineering, Inc.; Sean Fredricks, Ohnstad Twichell, P.C.; Tom Jones, NRCS; and Al Carton, Forman.

Approve May 17, 2012 minutes and May financial statement. (Engst/White, unanimous).

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

66170	Richard Engst	Travel	149.85
66171	Ohnstad Twichell	Attorney fees-\$2153.50 and Dr # 4 4413.30 =	\$6566.80
66172	The Sargent County Teller	Drain 4 tile advertisement	28.00
66173	Roger White	Travel	169.28
7200	Sherry Hosford	Salary less 17.89 taxes	298.78
DD	Sargent County Bank	Withholding taxes	43.38

Discussion followed on the drainage matter with Rick Hoistad; Shortfoot Creek Study; Gwinner Dam and Tri-County Drain Reassessment. The Board directed Mr. Fredricks to send a letter to Mr. Hoistad's attorney rejecting Mr. Hoistad's offer and his allegations and will further discuss how to proceed with this matter at the July meeting. Both the Shortfoot Creek Study and Gwinner Dam are waiting for information from the ND State Water Commission and Richard reported that the new assessment district for the Tri-County Drain will be applied to the 2012 taxes.

**APPLICATION TO DRAIN NO. 3974 for Quandt Brothers in Southwest Township**

The Board reviewed information from the State Engineer regarding APPLICATION TO DRAIN No. 3974 for the Quandt Brothers. John Quandt was present to discuss his proposed surface and related tile project with the Board. This proposed surface drain project will act as an outlet for the Quandt Brothers' tile permit regarding the West Half of Section 10, the West Half of the Northwest Quarter of Section 15, and the North Half of Section 16 in Southwest Township. Applicant will pump the tile discharge into the proposed surface drain that is the subject of Surface Application No. 3974. Under the application, Applicant seeks to construct a surface drain commencing on the south boundary of the Southwest Quarter of Section 10 of Southwest Township, on the north side of the 10/15 unimproved section line. From there, Applicant will construct the surface drain to the east along the south boundary of Section 10 and along the north side of the unimproved 10/15 section line until it reaches the east boundary of Section 10. From there, Applicant will run the ditch diagonally to the north boundary of the Northwest Quarter of Section 14, along the south side of the unimproved 11/14 section line; from there, the ditch will run to the east along the north boundary of the Northwest Quarter of Section 14 until the project discharges into Sargent County Drain No. 11.

According to records on file with the Sargent County Recorder's office, the Quandt's own approximately the west two-thirds of the Southwest Quarter of Section 10; the Philip A. Hansen Revocable Living Trust and the Dianna M. Hansen Revocable Living Trust own the East one-third of the Southwest Quarter of Section 10, and the Southeast Quarter of Section 10; and Valera A. Hayen owns the Northwest Quarter of Section 14.

The Board adopted Chad Engels' proposed responses to the eight elements under Section 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 Applicant to obtain easements from the owners of the property where Applicant seeks to construct the surface drains; and the Board concluded that, in light of these measures, there will be no further adverse impacts.

Manager Engst, seconded by Manager White, moved to approve APPLICATION TO DRAIN No. 3974 dated February 21, 2012, for the Quandt Brothers, subject to the conditions attached by the State Engineer, and subject to the following conditions:

- 1) That Applicant obtain and record (with the Sargent County Recorder's office) easements (and not just written consents) to construct and maintain surface drains from the owners of the following real property in Southwest Township, Sargent County, North Dakota:
  - a. East one-third of Southwest Quarter of Section 10;
  - b. Southeast Quarter of Section 10; and
  - c. Northwest Quarter of Section 14.
- 2) That Applicant obtain easements from the owner of any land, besides land owned by

Applicant, on which Applicant will construct the drain system.

- 3) That Applicant obtain written permission from the Southwest Township Board of Township Supervisors for purposes of installing and maintaining a surface drain along the unimproved 10/15 and 11/14 section line.
- 4) That Applicant, at Applicant's sole expense, install, construct, and maintain a control structure on Applicant's property in the Southwest Quarter of Section 10 of Southwest Township; Applicant will operate the control structure; and Applicant will close the control structure when the culvert between the Southeast Quarter of Section 11 and the Northeast Quarter of Section 14 of Southwest Township contains at least two feet of water.
- 5) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations or improvements to the project, or any proposed increase in the drainage area impacted and, if necessary, submitting an additional permit application.
- 6) 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.

Upon roll call vote, the motion carried unanimously. The Board directed Sean Fredricks to prepare the requisite NOTICE OF DECISION and to provide the NOTICE to all parties of record, including Southwest Township, Phil and Dianna Hansen, and Valera A. Hayen.

**Application to Install a Subsurface Drain for the Quandt Brothers in the West Half of Section 10, the West Half of the Northwest Quarter of Section 15, and the North Half of Section 16 of Southwest Township**

The Board reviewed an *Application to Install a Subsurface Drain* dated February 22, 2012, for the Quandt Brothers. The Board previously approved a Subsurface Application for the Quandt Brothers regarding Sections 8, 9, and 17 of Southwest Township, a separate project. John Quandt was present to discuss the project, which is related to the Surface Permit No. 3974; the purpose of the Surface Permit No. 3974 was to construct drainage ditches to accommodate tile discharge for this tile permit. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the West Half of Section 10, the West Half of the Northwest Quarter of Section 15, and the North Half of Section 16 in Southwest Township, Sargent County, North Dakota. The project will include a gravity outlet that will discharge into the surface drain constructed in accordance with Surface Permit to Drain No. 3974. The drainage ditch under Surface Permit No. 3974 will commence on the north side of the Section 10/15 section line and will run to the east along the south boundary of Section 10 to the east boundary of Section 10; from there, the ditch will run diagonal to the south side of the Section 11/14 section line, where the ditch will run to the east along the north boundary of Section 14 until the ditch outlets into Sargent County Drain No. 11.

Applicant owns a portion of the South Half of Section 10, and Applicant notified Phil and Dianna Hansen of the proposed project more than 30 days in advance of the Board's consideration of this application.

According to records on file with the Sargent County Recorder's office, Applicant owns the property Applicant seeks to tile, including property in the West Half of Section 10, the West Half of the Northwest Quarter of Section 15, and the North Half of Section 16.

It was moved by Manager Engst and seconded by Manager White to approve *Application to Install a Subsurface Drain* dated February 22, 2012, for the Quandt Brothers in the West Half of Section 10, the West Half of the Northwest Quarter of Section 15, and the North Half of Section 16 in Southwest Township, subject to the following conditions:

- 2424) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the drain system.
- 2425) That Applicant obtain approval and all requisite easements, and otherwise satisfy all conditions, regarding Application for Surface Drain No. 3974, since the ditch contemplated under Application No. 3974 will act as the outlet for Applicant's tile system.

2426) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations or improvements to the project, or any proposed increase in the drainage area impacted and, if necessary, submitting an additional permit application.

2427) 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.

Upon roll call vote, the motion carried unanimously.

The Board discussed proceeding with Drain No. 4 Reconstruction Phase # 2 and approved advertising for bids for this project. (Engst/White, unanimous) Bids will be opened on July 18, 2012 at 10:00 a.m. at the office of Moore Engineering, Inc.

Milnor City applied for cost-share with the Lake Agassiz Regional Council (LARC) to finance a portion of a project to replace existing CMP arch crossing with two reinforced concrete box culverts where Drain 7 intersects 5<sup>th</sup> Avenue within Milnor City boundaries. This project would provide hydraulic benefits to Drain 7 for the benefit of the Water Resource District. LARC applied for a grant with the North Dakota Department of Emergency Services (NDDDES) on behalf of the City; NDDDES recently notified LARC the project qualified for a grant from both Federal Emergency Management Agency (FEMA) and NDDDES through Hazard Mitigation Grant Program, award number DR-1901-ND-8R. The Water Resource District, Milnor City and the Sargent County Board of Commissioners discussed this project in April, 2011 and all parties agreed to construct the project if the cost-share monies were approved. Motion to authorize Attorney Fredricks to prepare a Joint Powers Agreement for this project between the Water Resource Board, the City and Sargent County. (Engst/White, unanimous) Further to authorize advertising for bids for the project contingent upon execution of the agreement by all parties. (White/Engst, unanimous)

Joe Breker applied for a permit to install and maintain underground fiber optic cables on right of way owned by this Board located in the SW1/4-9-129-54. This cable would provide phone service to the Coteau de Prairie Lodge being constructed. Authorize Attorney Fredricks to prepare a Utility Permit for the Board to review at the July meeting.

Motion to hire Dakota Improvement to clean out an area of Drain 11 approximately 2.5 miles long from Old Highway 11 south to Meszaros Slough that is not flowing. (White/Engst, unanimous)

Meeting adjourned at 8:15 p.m.

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CHRIS MCFARLAND – CHAIRMAN

ATTEST:

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SHERRY HOSFORD - SECRETARY