

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JULY 21ST, 2022 AT 8:15 A.M. IN THE WATER BOARD CONFERENCE ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN NORTH DAKOTA

Managers present: Chairman Luke Siemieniewski, Roger Zetocha, Todd Stein, and Bruce Speich. Also, in attendance were Nathan Trosen, Moore Engineering; Wendy Willprecht Secretary/Treasurer; Sargent County Commissioner Richard Ruch; William Ogdahl and Summit Carbon representatives Jay Volk and Joey Borracci. Others present via video conference were Manager Michael Wyum; Sean Fredricks of Ohnstad Twichell, P.C., the Board's Attorney; landowners Leon Mallberg, and Paul Mathews.

Manager Speich moved to approve the June 16th, 2022 regular meeting minutes. No financial statement was available due to financial reports not being available through the treasurer/auditor departments. Manager Zetocha seconded the motion to approve the minutes. Upon roll call vote, the motion carried unanimously.

Manager Speich moved to approve the following bills:

83975 Ohnstad Twichell- Attorney fees \$2345.66; Drain No. 9 Extension-petition \$236.50; Drain No. 11 Improv. Proj. \$4429.10/Eminent Domain \$5981.33; Drain No. 7-P/A's and correspondence \$285;

Total: \$13,277.59

83974 Moore Engineering- SLD Permit close out \$85; Engineering fees-\$7271.58; SFC Task 6 \$9362.00; Drain No. 2 survey data \$1342.50; Drain No. 8 Proj. Alternatives \$1876.58; Drain No. 11 Reassessment \$5911.25/Construction services \$3750.00/Utility Reloc. \$2186.55/ROW \$550; Drain No. 7 wash out \$1124.62/Design \$1400/ROW \$212.50; Crooked Creek Task 3 \$10,652.50

Total: \$45,725.08

83977 Red River Basin Commission- Management planning/advocacy

Total: \$1512.00

83976 Pearce Durick-Drain No. 11 Reassessment

Total: \$1089.53

Manager Zetocha seconded the motion. Upon roll call, the motion carried unanimously.

Summit Carbon:

Jay Volk and Joey Borracci from Summit Carbon presented on the CO2 pipeline. The pipeline will measure about 2000 miles and the system will capture CO2. To date, Summit Carbon has received 30% of the total easements it has requested. The responsiveness of the project varies from one county to the next. Summit is interested in finding out the regulations in each individual county. Volk said that Summit is still exploring different routes and at some point, will be looking for permits to cross drains. Volk added that he will be looking to submit a state permit by the end of October. Prior to this, ROW, crossing permits, etc. will need to be secured. Volk said that if the project can stay on schedule, construction could begin either the 2nd or 3rd quarter of 2023. The project will take 15-18 months to construct and would be operable by later 2024.

Chairman Siemieniewski asked Volk why ND was chosen for the pipeline. Volk said that Sargent County, as well as ND as a whole, has phenomenal geography for this type of project. There is a 40-70 year history of running pipeline successfully through ND. The Summit Carbon project will have a capacity of 250 billion metric tons with reduction of carbon offsets being one of the major reasons for the pipeline. ND's ground potential has already been proven, Volk said, through the oil exploration that has taken place in the state.

The CO2 sequestration project will inject and permanently store the gas. Volk added that the pipeline will bore under drains and roadways. Wetlands will be avoided at all costs.

Discussion was had regarding the safety concerns with CO2 as it is an asphyxiant. The CO2 gas has a 1400 max psi. When the CO2 disperses, there would be a lack of oxygen created in the area of dispersement. When CO2 releases, it turns into a vapor very quickly. Due to the safety concerns that exist, Volk said that Summit Carbon will supply training equipment to local response teams to handle any leaks. A leak detection system will also need to be in place (a pin leak could be found by thermal imaging).

The United States already has over 5000 miles of CO2 pipeline running through the country.

Volk said that there is an indemnification clause in all contracts that says any loss incurred that can be directly related to the pipeline itself, would be the responsibility of Summit Carbon. This would include most everything aside from willful destruction of the pipeline.

Commissioner Richard Ruch asked what the value of the pipeline is to ND. Volk said that Sargent County would have about 39 miles of pipeline running through it. This would amount to around \$425,000-450,000 in property taxes that would come back to Sargent County each year. Some 5.3 million dollars would go back to counties within ND. Volk said the value of the pipeline project is to keep agriculture and the energy industries going.

Borg Lake Complaint (Ogdahl/Toyne):

The Board next considered the four complaints filed by the Ogdahls and Milnor Township against James Toyne. The Ogdahls and the Township filed the following complaints:

1. COMPLAINT FOR WATER-RELATED ISSUES filed by Ogdahl Family, LLP, dated June 15, 2022;
2. COMPLAINT FOR WATER-RELATED ISSUES filed by Daniel Ogdahl and William Ogdahl, dated June 15, 2022;
3. COMPLAINT FOR WATER-RELATED ISSUES filed by William Ogdahl, dated June 13, 2022; and
4. COMPLAINT FOR WATER-RELATED ISSUES filed by Kasey Lien on behalf of Milnor Township, dated June 15, 2022.

In all four complaints, the Ogdahls and the Township allege Mr. Toyne installed a “dam, dike, or other device” without a permit on the north end of Borg Lake between 2020 and 2021, in the East Half of Section 23 of Milnor Township, in violation of N.D. Cent. Code §§ 61-16.1-38 and 61-16.1-53. The Ogdahls and Milnor Township are concerned that, as a result of this structure, water is backing up and causing significant flooding to area property, and flooding adjacent township roads.

The Board previously directed Nate Trosen and Moore Engineering to investigate the matter. Mr. Trosen submitted a written report to the Board dated July 7, 2022. Mr. Trosen indicated Moore surveyed the area, compared their survey to LiDAR, and conducted a drone flight to further investigate the structure.

The applicable statutes and administrative regulations, Sections 61-16.1-38 and 61-16.1-53 of the Century Code and Sections 89-08-01-01(3), 89-08-01-01(4), and 89-08-01-01(14) of the North Dakota Administrative Code, provide, in relevant part:

“Dam” means any barrier, including any appurtenant works, constructed across a watercourse or an area that drains naturally to impound or attenuate the flow of water. All structures necessary to impound a single body of water are considered a single dam.

“Dike” means any artificial barrier, including any appurtenant works, constructed along a watercourse or an area that drains naturally to divert the flow of water to protect real or personal property.

“Other device” means a water control structure, other than a dam or dike, including diversions and holding ponds, lagoons, or dugouts.

In this case, Mr. Trosen explained Mr. Toyne had, in fact, constructed a structure on the north end of Borg Lake, in the East Half of Section 23 in Milnor Township. Mr. Trosen further indicated the structure qualifies as a “dam” because the structure acts as an artificial barrier constructed to impound natural drainage from Borg Lake.

Mr. Trosen then noted this particular structure is a “low-hazard dam,” under 89-08-01-01(12) of the North Dakota Administrative Code; the structure meets the following definition:

“Low-hazard dam” means a dam located in a rural or agricultural area where there is little possibility of future development. Failure of low-hazard dams may result in damage to agricultural land, township and county roads, and farm buildings other than residences. No loss of life is expected if the dam fails.

As a low-hazard dam, the permitting standard for this particular structure under Section 61-16.1-38 is whether or not the dam is “capable of retaining, obstructing, or diverting more than fifty acre-feet” of water. Under Section 89-08-02-01 of the Administrative Code, “the impounding capacity of a dam is calculated based upon the top of the settled embankment of the dam.” In this case, Mr. Trosen found the dam is, in fact, capable of retaining more than 50 acre-feet of water; therefore, the dam required a permit under Section 61-16.1-38. The State’s records indicate Mr. Toyne did not obtain a permit for this dam.

The Board reviewed Mr. Trosen’s report and concurred with his findings. In light of the fact that the dam violates Sections 61-16.1-38 and 61-16.1-53, the Board had no choice but to order removal of the dam.

According to County tax roll information and deeds on file with the Sargent County Recorder’s Office, James and Gloria Toyne own a life estate in the property in the East Half of Section 23 of Milnor Township where Mr. Toyne constructed the alleged dam. Teresa Goolsbey, Todd Toyne, Corey Toyne, and Brett Toyne own the remainder interests in the property.

The Board discussed the potential safety issues regarding the removal of this dam. The Board is particularly concerned about the velocity of flow in the event Mr. Toyne attempts removal on his own, without a contractor, and attempts to remove the entire structure at once. The Board agreed removals of one-foot-at-a-time would be a safer approach than complete removal at once. Further, the Board would much prefer if Mr. Toyne hired a contractor to handle the removal. Mr. Fredricks indicated the complaint statute, Section 61-16.1-53, allows the Board to hire a contractor and remove the dam if Mr. Toyne does not meet the deadline set by the Board but that, otherwise, the Board cannot order Mr. Toyne to hire a contractor. Mr. Fredricks recommended including language in the Notice of Decision to Mr. Toyne to strongly recommend hiring a contractor and to recommend incremental removal. The Board agreed, and further directed Mr. Fredricks to direct Mr. Toyne to arrange for a representative from Moore Engineering to be present during removal.

The Board discussed the timing of the removal of the dam and concluded that a 30-day deadline would be appropriate and fair; Mr. Toyne’s various appeal rights extend for 30 days, so removal prior to the expiration of those appeal deadlines would not be advisable. Manager Speich moved, and Manager Stein seconded the motion, to order James Toyne to remove the dam installed in the East Half of Section 23 in Milnor Township, Sargent County, North Dakota, within 30 days. Upon roll call vote, the motion carried unanimously.

Drain No. 11:

Project: Trosen of Moore Engineering said that the project mobilization will start next month. A preconstruction meeting will be held. The new estimate for utility mobilization is around \$148,000:

DVEC	\$20,000
DRN	\$15,000
Southeast Water Users	\$77,000
Don Rust (pump relocation)	\$24,000

The utility relocation expense will come out of the project's contingency budget.

Discussion was had regarding requiring tiling projects to start 25 feet back so that relocation of utilities would not be an issue. This requirement should be a consideration on future tile applications.

A motion was made by Manager Speich and seconded by Manger Zetocha to allow for utility relocation payment for the following entities: DVEC, DRN, Southeast Water Users and Don Rust (pump relocation). Upon roll call, the motion carried unanimously.

Reassessment: Attorney Charles Carvell of the Pearce Durick law office is preparing a resolution for the final certification of the assessment list.

Dave Zetocha worked with Moore Engineering to show that the land he is being assessed for has never been tiled, despite him previously filing for a tile application. Zetocha said he was never able to get downstream permission so the area was not tiled. The tiling portion of the matrix will be removed from Dave Zetocha's proposed assessment benefit calculation.

The Board directed Trosen to meet with the two landowners who requested on site meetings at last month's informational meeting.

Appeal: After the SCWRD awarded the construction contract to R.J. Zavoral & Sons, Inc., the project's opposition filed an appeal. Attorney Dan Gaustad at the Pearson Christensen, PLLP law firm is handling the appeal for the Sargent County Water Resource District. Attorney Gaustad filed an appeal record that is currently pending.

Bosse Tree Loss: This item was tabled. Moore Engineering can flag trees that should be saved during the Drain construction. Moore can count the trees that are taken at the time of construction.

State Water Commission: The Board noted the State Water Commission plans to discuss the Drain 11 project at their August meeting and agreed a letter to the Water Commission to provide a history of the project would be beneficial. Manager Stein moved to authorize Chairman Siemieniewski to sign and send a letter to the Governor, the Ag Commissioner, and the rest of the State Water Commission regarding the Drain 11 project and the Board's construction contract. Manager Zetocha seconded the motion. Upon roll call the motion carried unanimously.

83978	Lucas Siemieniewski	Travel	\$137.76
83980	Todd Stein	Travel	\$254.36
	Michael Wyum	Travel	
83981	Roger Zetocha	Travel	\$91.75
83979	Bruce Speich	Travel	\$182.86
DD	Lucas Siemieniewski	PD	
DD	Todd Stein	PD	
DD	Michael Wyum	PD	
DD	Roger Zetocha	PD	
DD	Bruce Speich	PD	
DD	Wendy Willprecht	Sec-Treas -Salary less taxes \$457.17	\$2042.83
DD	Stock Grower's Bank	Withholding Taxes	
DD	ND State Tax Commission	State Tax	
DD	Job Service ND	Unemployment Comp.	

DRAIN NO. 7:

Assessment: Trosen of Moore Engineering said that he will provide a preliminary assessment list at the August SCWRD meeting.

Trosen attended the Ransom County Water Resource District meeting where Drain No. 7 was discussed. Chairman Siemieniewski and Manger Wyum also attended this meeting. The Ransom District acknowledges that there are flooding issues and advised the SCWRD to proceed with the project as planned. The Board will plan to meet with the Ransom County Water Resource District again after the public hearing. It was mentioned that the Ransom County landowners may want to do a private project to this area.

Trosen said we still need the ROW from Bryan Anderson. Once the ROW is received, the SCWRD can advertise to get bids for this project.

DRAIN NO. 4:

Assessment: Trosen of Moore Engineering said that he will provide a preliminary assessment list at the August SCWRD meeting.

DRAIN NO. 2:

Moore Engineering completed a survey of this Drain back in 2015. The survey showed that if the CR-14 culvert was to be lowered the bottom of the Drain upstream and downstream would need to be cleaned out to accomplish this grade. Right now, there is a 42" pipe and an 18" pipe allowing water flow. A motion was made by Manger Stein and seconded by Manager Zetocha to allow Moore Engineering to resurvey the channel bottom of the Drain to determine to the extents of the drain that will need to be cleaned out and to investigate the size of the culvert needed at the CR-14 crossing. Upon roll call, the motion carried unanimously.

DRAIN NO. 8:

Moore Engineering investigated potential highway funding sources available for the project and at this time there does not appear to be an additional funding source besides the State Water Commission.

SHORT FOOT CREEK:

An amended cost share agreement was signed for this project which will allow funding to continue through next June, 2023.

DRAIN NO. 9:

Commissioner Ruch said that landowners are waiting to see dirt move on the Drain No. 11 project before financially committing to the Drain No. 9 project.

CROOKED CREEK WATERSHED PLAN:

There will be a project team meeting today at 1:00 p.m. at the Forman City Hall. An existing conditions model of the project will be presented and Moore Engineering will be asking the project team for direction.

The SCWRD did not have any comments to solicit regarding the Brian Vculek surface drain application.

Application to Install a Subsurface Water Management System No. 2022-08 for Robert Lee in the Southwest Quarter of Section 5, the Southeast Quarter of Section 6, the Northeast Quarter of Section 7, and the Northwest Quarter of Section 8 in Marboe Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2022-08*, filed June 29, 2022, by Applicant Robert Lee. Under the Application, Applicant seeks to install a 169-acre drain tile system in the Southwest Quarter of Section 5, the Southeast Quarter of Section 6, the Northeast Quarter of Section 7, and the Northwest Quarter of Section 8 in Marboe Township, Sargent County, North Dakota. The project will include two pump outlets and one gravity outlet; the gravity outlet will be located in the Northwest Quarter of Section 8 and will discharge directly into Sargent County Drain No. 12, a legal assessment drain owned and operated by the Sargent County Water Resource District. One of the pump outlets will be located in the Northeast Quarter of Section 7 and will discharge directly into a natural watercourse that ultimately outlets into Drain 12 in Section 6. The second pump outlet will be located in the Southeast Quarter of Section 6 and will discharge directly into Drain 12. The systems in the Southwest Quarter of Section 5 and the Southeast Quarter of Section 6 will connect via lines under 145th Avenue SE. The systems in the Northeast Quarter of Section 7 and the Northwest Quarter of Section 8 will not include any road crossings.

According to County tax roll information supplied by Applicant, Robert Lee owns 35.55 acres in the Northwest Quarter of Section 8; the Northeast Quarter of Section 7; the Southeast Quarter of Section 6; and the South Half of the Southwest Quarter of Section 5 in Marboe Township.

Manager Zetocha moved, and Manager Stein seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2022-08*, filed June 29, 2022, for Robert Lee in the Southwest Quarter of Section 5, the Southeast Quarter of Section 6, the Northeast Quarter of Section 7, and the Northwest Quarter of Section 8 in Marboe Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-08, subject to the following conditions:

1. Applicant will install and maintain erosion protection at all outlets into Sargent County Drain No. 12.
2. Applicant will install any pump at least 25 feet from the top of the back slope of Sargent County Drain No. 12.
3. Applicant will install and maintain erosion protection at all outlets into the natural watercourse in the Northeast Quarter of Section 7 of Marboe Township.
4. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
5. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the Southwest Quarter of Section 5, the Southeast Quarter of Section 6, the Northeast Quarter of Section 7, or the Northwest Quarter of Section 8 in Marboe Township under any blanket easements, or otherwise beyond the Water District's existing easement.
6. Applicant will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Sargent County Water Resource District.
7. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-08 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the Marboe Township Board of Township Supervisors to install and maintain any lines across, through, or under any of its township road right of way.
2. The Board recommends 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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION and SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-08 to the Department of Water Resources, Marboe Township, and Southeast Water Users District.

Application to Install a Subsurface Water Management System No. 2022-10 for Mathew Bosse in the East Half of Section 12 in Brampton Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2022-10*, filed July 7, 2022, by Applicant Mathew Bosse. Under the Application, Applicant seeks to install a 297-acre drain tile system in the East Half of Section 12 in Brampton Township, Sargent County, North Dakota. The project will include a single pump outlet located along the north boundary of the Northeast Quarter of Section 12; the outlet will discharge directly into Sargent County Drain No. 11, a legal assessment drain owned and operated by the Sargent County Water Resource District.

According to County tax roll information supplied by Applicant, Mathew Bosse owns the Southeast Quarter of Section 12 of Brampton Township; and Gregory S. Beck and Carol L. Beck, as Co-Trustees of the Gregory S. Beck and Carol L. Beck Revocable Living Trust, own the Northeast Quarter of Section 12 of Brampton Township.

Manager Zetocha moved, and Manager Speich seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2022-10*, filed July 7, 2022, for Mathew Bosse in the East Half of Section 12 in Brampton Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-10, subject to the following conditions:

1. Applicant will install and maintain erosion protection at the outlet into Sargent County Drain No. 11.
2. Applicant will install any pump at least 25 feet from the top of the back slope of Sargent County Drain No. 11.
3. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
4. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the East Half of Section 12 in Brampton Township under any blanket easements, or otherwise beyond the Water District's existing easement.
5. Applicant will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Sargent County Water Resource District.
6. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-10 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, Managers Zetocha, Speich, and Wyum voted in favor of the motion. Chairman Siemieniewski and Manager Stein voted in opposition. The motion carried.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the owners of the Northeast Quarter of Section 12 of Brampton Township to install and maintain the tile system on their property.
2. The Board recommends 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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION and SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-10 to the Department of Water Resources; to Gregory and Carol Beck; and to Southeast Water Users District.

Application to Install a Subsurface Water Management System No. 2022-11 for Ben Reisenweber in the East Half of Section 32 in Taylor Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2022-11*, filed July 13, 2022, by Applicant Ben Reisenweber. Under the Application, Applicant seeks to install a 314-acre drain tile system in the East Half of Section 32 in Taylor Township, Sargent County, North Dakota. The project will include a single pump outlet located in the northwest corner of the Northeast Quarter of Section 32; the pump will discharge into the south road ditch along 101st Street SE; the discharge will flow west in the south road ditch, along the north boundary of the Northwest Quarter of Section 32, then along the north boundary of the Northeast Quarter of Section 31 for approximately a quarter-of-a-mile; the discharge will then flow north, under 101st Street through an existing culvert; the discharge will daylight in the north road ditch and will flow west, along the south boundary of the Southeast Quarter of Section 30.

According to County tax roll information supplied by Applicant, Kyle Reisenweber and Ben Reisenweber own the East Half of Section 32 of Taylor Township. With regard to downstream parcels, the Kim and Sandy Rasmussen Land Partnership, LLLP, owns the Northwest Quarter of Section 32 of Taylor Township; and Kevin Dahl and Larry and Diane Dahl own the Southeast Quarter of Section 30 of Taylor Township.

Manager Stein moved, and Manager Zetocha seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2022-11*, filed July 13, 2022, for Ben Reisenweber in the East Half of Section 32 in Taylor Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-11, subject to the following conditions:

1. Applicant will install and maintain erosion protection at the outlet into Taylor Township's road right of way.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.

3. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the East Half of Section 32 in Taylor Township under any blanket easements, or otherwise beyond the Water District's existing easement.
4. Applicant will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Sargent County Water Resource District.
5. Applicant must remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant's tile system, but only up to one mile downstream from the project outlet.
6. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-11 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

With regard to condition #5, Applicant's obligations to remove silt or vegetation, or to repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system *directly* caused accumulation of silt or vegetation, erosion, or scouring.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the Taylor Township Board of Township Supervisors to discharge into or otherwise utilize any of its road right of way.
2. The Board recommends 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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION and SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-11 to the Department of Water Resources, Taylor Township, downstream landowners, and Southeast Water Users District.

Application to Install a Subsurface Water Management System No. 2022-09 for Steve Hansen in the Southwest Quarter of Section 31 in Jackson Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2022-09*, filed July 6, 2022, by Applicant Steve Hansen. Under the Application, Applicant seeks to install a 143-acre drain tile system in the Southwest Quarter of Section 31 in Jackson Township, Sargent County, North Dakota. The project will include a single pump outlet located in the southeast corner of the Southwest Quarter of Section 31; the outlet will discharge directly into the Lovell Improvement Project, a private surface drain permitted under SURFACE PERMIT NO. 4757 for Lovell Improvement Project, LLC.

According to County tax roll information, Stephen A. Hansen, as Trustee of the Stephen A. Hansen Revocable Living Trust, and Judy L. Hansen, as Trustee of the Judy L. Hansen Revocable Living Trust, own the Southwest Quarter of Section 31 of Jackson Township. With regard to downstream parcels, Michael and Pamela Quandt; Jeffrey and Jeanette Quandt; Jason and Jessica Quandt; and James Quandt each own a one-fourth interest in the East Half of Section 6 of Southwest Township; Larry and Nancy Hansen own the Northwest Quarter of Section 6; and Philip A. Hansen, as Trustee of the Philip A. Hansen Revocable Living Trust, owns the Southwest Quarter of Section 6.

Manager Zetocha moved, and Manager Stein seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2022-09*, filed July 6, 2022, for Steve Hansen in the Southwest Quarter of Section 31 in Jackson Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-09, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any outlet into any township road right of way.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the Southwest Quarter of Section 31 in Jackson Township under any blanket easements, or otherwise beyond the Water District's existing easement.
4. Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Sargent County Water Resource District.
5. Applicant will remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant's tile system, but only up to one mile downstream from the project outlet.

- Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-09 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

With regard to condition #5, Applicant’s obligations to remove silt or vegetation, or to repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant’s tile system *directly* caused accumulation of silt or vegetation, erosion, or scouring.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant’s permit. However, for Applicant’s protection, and to ensure protection of Applicant’s tile system, the Board will recommend that Applicant comply with the following:

- The Board recommends that Applicant obtain written consent from Jackson Township or Southwest Township to discharge into or otherwise utilize any of their respective township road right of way.
- The Board recommends 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.

Sean Fredricks will provide copies of the Board’s NOTICE OF DECISION and SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-09 to the Department of Water Resources, Jackson Township, Southwest Township, Lovell Improvement Project, downstream landowners, and Southeast Water Users District.

During the 2021 Legislative Session, the Legislature approved HB 1216, a bill that increased the maximum compensation for water managers to match compensation for legislators. In accordance with N.D. Cent. Code § 54-03-20, commencing on July 1, 2022, legislative compensation increased to \$193 per day. The Board agreed to set compensation at the amount permissible for legislators under North Dakota law, currently and as modified in the future by the Legislature, as opposed to requiring approvals each time the legislature modifies or increases legislative compensation.

Manager Speich moved to match legislative compensation in accordance with HB 1216 and applicable North Dakota law. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

The Sargent County Water Resource District Managers attended a county Drain tour this week. They will discuss the tour at the August meeting.

RS #1:

1) Revenue :		
June taxes		\$1,301.34
	Total :	\$1,301.34
Expenditures :		
Moore Engineering Inc. #18924		\$3,692.50
	Total :	\$3,692.50
RS #1 Maintenance Checking Acct. Balance		\$.38
RS #1 Maintenance Savings Acct. Balance		\$431,824.08
Total Maintenance fund balance as of April 30th, 2022-		\$431,824.46

DICKEY-SARGENT JOINT BOARD:

The following bills were presented for approval and payment:

Bills:

- DVEC – electricity Bills: \$919.00**

The motion approving these bills was handled during the Dickey-Sargent Joint Board meeting. Meeting adjourned at 10:47 a.m.

APPROVED:

LUCAS SIEMIENIEWSKI, CHAIRMAN

ATTEST:

WENDY WILLPRECHT SECRETARY-TREASURER