

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, AUGUST 16, 2007 AT 7:00 P.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND

Managers present: Mark Breker, Dan Jacobson, Richard Engst, Roger White and Jim Bosse. Absent None.

Chad Engels, Moore Eng. Inc. met with the Board to discuss the Drain No. 11 FEMA PW 985 in Section 27-130-57. Mr. Engels will verify that all permits are in place. Discussed further the project and agreed that it should be dammed up to hold the water to allow work in the ditch. Jim Bosse has been coordinating the project with Dave Titus and will continue to work with him as they complete this project.

The Board discussed with Mr. Engels the process for reassessing Drain No. 4 through Forman City. In 1995 the Board reassessed the benefits for Drain No. 4 and now it has been suggested that the boundaries for the drain be reassessed. He explained the process for determining the boundary and the process for conducting the hearing. Chad agreed to prepare a map with an outline of the assessment district, put some percentage numbers on the map, request an assessment list from the County Auditor and send to the Board for the September meeting.

Arlen Willprecht met with the Board regarding Application to Drain 3199. The ND State Water Commission has determined that the application to drain does not involve drainage of state-wide or inter-district significance. Mr. Willprecht is requesting to install a drain pipe in a large pond in the NW1/4-9-130-53 to save the farmstead from excess water from recent rains. There is mold in the basement that is creating a health hazard. The outlet is the NW1/4-8-130-53 where the pipe outlets into the railroad ditch. Canadian Pacific Railroad has granted permission for this project. The project would involve 2600 feet of 15 inch drain tile.

Sean Fredricks, Attorney, Onstad, Twichell Law Offices arrived at the meeting at 8:35 p.m. Mr. Fredricks proceeded to review the application to drain from Mr. Willprecht. The Board has determined that it is not necessary to conduct a public hearing because Mr. Willprecht owns the property. The Board further explained that it is up to Mr. Willprecht to obtain all necessary permits that are required by law. The Board will inspect this project and determine if any adverse effects will occur to landowners.

Gordon Paul Anderson Application to Drain #3178 hearing was conducted with the following present: **Jerome Johnson, Dennis and Sharon Peterson, Jay Johnson, Jeff Johnson, Brad Johnson, Roger Johnson, Joel Anderson and Anthony Anderson.** **Joel Anderson** explained the purpose of the application and problem with extreme alkali on the land. Paul Anderson and soil specialists have looked at the land and determined that water from the SW1/4-2-132-56 was draining into the SE1/4-2-132-56 and by tiling approximately 45 acres it would remove the alkali and make it better farmland. **Mark Breker** explained there are 3 different outlets from the tile and read a letter Paul Anderson had written to the ND State Water Commission explaining where the water flows. It was further determined that the water flows to the northeast and the southeast. **Roger Johnson** - owns land to the northeast and most water will come to their land and they are concerned about what the salty water will do in the long term to the downstream land. **Jeff Johnson** - owns the SW1/4-1-132-56 and was not informed of this meeting. He feels the water goes to the east and the north. **Joel Anderson** explained the soil specialists said that the salinity would be worse for the first couple years and then should clear up and also the flow of water would increase for a couple years and then get less. **Jerome Johnson** is concerned about the salinity of the water that sets on their land and does not move. **Mr. Frederick's** indicated the Board's statutory duties are to consider the quantity of water not the salinity of the water and cannot use that as a consideration in whether to approve the application. **Joel Anderson** does not feel that there is more water drained as there are no sloughs and it is surface water and should not be much of an increase in the amount of the water. **Jeff Johnson** - how fast would the water come from the tile? **Jeff Johnson** farms through the creek and just wondering how slow the water will flow and how long the creek will remain wet. **Jerome Johnson** - most of the water comes from the Whitestone Hill and he does not want more water on the Johnson land. **Mr. Fredericks** inquired whether there is additional water and if it would have an adverse affect on the downstream landowners. The main concern is the water and what problems it will cause for the land - any new drainage. The Board will take all information from this hearing and consider whether to approve this application. **Dennis Peterson** is concerned about what this water will do to his land. **Joel Anderson** inquired about the time frame for approving this application and what the next step will be. **Sean Fredericks** commented that the Board would take this under advisement and if any one has any additional information on downstream affects to get this information back to the Board and discuss any easements that may be required and try to obtain them from the affected landowners. **Dan Jacobson** noted that this land is within the boundaries of the SC Water Channel Improvement District No. 1. **Mark Breker** read a letter from ND Department of Transportation regarding this permit. They have approved the request with several conditions. A continuation of considering this permit was set for 8:00 p.m. on September 20, 2007.

Tom and Scott Mund, Milnor and Dick and Wade Kuehn, Milnor met with the Board. Tom Mund explained a letter he sent to Ellingson Company regarding the permit that he is trying to get and also their recommendation to consult his attorney. Mr. Mund handed out a letter addressed to the Office of the State Engineer providing a timeline on the Application to Drain No. 3156. Attorney Fredericks noted that this Board has followed the statutory requirements. Further discussion followed on the inspection process and determination of 80 acres drainage basin. The Board received and reviewed an Obstruction to Drain Complaint filed by Mr. Mund on the NE1/4 SE1/4-30-132-53. K. R. Kuehn, Milnor is the construction participant and Mr. Mund determines that there is loss of crop and pasture and cattails in ditch at intersection causing traffic hazard. The Board will inspect this complaint and make a determination.

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

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

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| 57714 | Jim Bosse | Travel and Dr # 11 mowing | 505.00 |
| 57715 | Mark Breker | Travel | 38.70 |
| 57716 | Richard Engst | Travel | 37.20 |
| 57717 | David Hoffer | Beaver removal (SCWCI#1) | 100.00 |
| 57718 | Dan Jacobson | Travel | 49.47 |
| 57719 | Ohnstad, Twichell Law Offices | Mund permit-\$165; Paul Anderson permit-\$250 and General \$673 | 1088.00 |
| 57720 | Roger White | Travel | 55.80 |
| 1061 | Mark Breker | 2 PD less 12.24 | 147.76 |
| 1062 | Danny Jacobson | 5 PD less 30.60 | 369.40 |
| 1063 | Sherry Hosford | Sec. salary less 20.40 | 246.27 |
| 1064 | Richard Engst | 3 PD less 18.36 | 221.64 |
| 1065 | Roger White | 3 PD less 18.36 | 221.64 |
| 1066 | James Bosse | 15 PD less 155.13 | 1044.87 |
| DD | Sargent County Bank | Withholding taxes | 448.18 |

The Board reviewed Unfinished Business: fence work at Nelson Dam - contractor is working out west and does not plan to return this fall; Section 27 on Drain 11 will be dammed up and back slope next week; Jim Bosse will look at Section 17 in Taylor Township for leveling and seeding and check with Titus to do the work; Damon DeVillers, Interstate Eng., Inc. sent estimated for culverts on Drain 11 and County Road # 3 and in Milnor. Pictures of the proposed corrugated steel headwalls were viewed. Board members will contact Damon about ordering the culverts.

Board members reviewed and accepted the memo regarding Duties Regarding Culverts through Township Roads. The Secretary was instructed to mail each township a copy of this memo in December.

Approve the following maintenance assessment amounts for each drain for 2007 taxes: Drain No. 2 - \$1.50; Drain No. 3 - \$1.50; Drain No. 4 - \$1.50; Drain No. 8 - \$.25; Drain No. 9 - \$1.50; Drain No. 11 - \$1.00; Drain No. 12 - \$.50; SC Water Channel Imp. District No. 1 - \$1.00; Tewaukon Watershed - \$.75 (Engst/Bosse, unanimous)

Other items discussed include a box culvert south of Bosse's and possibly placing concrete pads, clay and reshaping. Roger White discussed a Texas crossing that washed out and will check into repairs. Dan Jacobson and Jim Bosse have been monitoring the tile drain in Cogswell City and reported they found the grate and it was clean on top. They placed a steel post over the grate and the water has dropped 1 ½ to 2 inches. FEMA inspectors will be contacting Board members to accompany them to various drain sites.

The meeting adjourned at 11:55 p.m.

MARK BREKER - CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY