

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, AUGUST 19TH, 2021 AT 8:00 A.M. IN THE WATER BOARD CONFERENCE ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN NORTH DAKOTA

Managers present: Lucas Siemieniewski, Todd Stein, Roger Zetocha, and Michael Wyum. Commissioner Richard Ruch; Chris Gross, Moore Engineering; Wendy Willprecht, Secretary/Treasurer, landowner Travis Bergh, from Ellingson Sean Seefeldt, Colin Anderson and Gerad Enger. were also present at the courthouse. Others present via video conference were Sean Fredricks, the Board's Attorney; Paul Mathews; Bob Banderet, Marc O'Brien and Leon Mallberg..

The meeting was called to order by Water Board Chairman Lucas Siemieniewski.

Manager Wyum moved to approve the July 15th, 2021 regular meeting minutes, the July 21st, 2021 special meeting minutes, the August 3rd, 2021 special meeting minutes, and the July 31st, 2021 Financial report. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Stein moved to approve the following bills:

82430 Ohnstad Twichell-	Michael Harty Tile app. \$571.90; HOM review \$210.00; Mtgs./phone conferences-\$432.00; Drain No. 11 (title opinion, update appraisals, ROW, mtgs., correspondence, review answer from attorney of Mathews Family		\$3,407.05
82432 Sargent County Teller-	Publish legals		\$2,299.44
82428 Bobcat of Gwinner-	Bobcat rental to clean ditches		\$2,225.00
82431 Sargent County Abstract and Title Guarantee Company-	Rust Family Abstract Update		\$528.25
	Sherry Hosford- training hours		
82429 Jerry's Backhoe Service-	Drain No. 11-Remove cattails/beaver dams		\$600.00
82435 Wild Rice Soil Conservation District-	Silver Lake clean out \$468.63; Drain #2 clean/spray \$362.37; Drain #8 clean/spray \$309.51; Drain #9 clean/spray \$956.22; Drain #1 clean/spray \$7,159.37	Total:	\$9,25.14
82433 Lucas Siemieniewski	Travel		\$217.28
82434 Todd Stein	Travel		\$45.92
82436 Michael Wyum	Travel		\$52.64
	Roger Zetocha	Travel	
	Bruce Speich	Travel	
DD Lucas Siemieniewski	PD Salary less taxes \$9.18		\$110.82
DD Todd Stein	PD Salary less taxes \$18.36		\$221.64
DD Michael Wyum	PD Salary less taxes \$18.36		\$221.64
DD Roger Zetocha	PD Salary less taxes \$9.18		\$110.82
DD Bruce Speich	PD Salary less taxes \$27.54		\$332.46
DD Wendy Willprecht	Sec-Treas -Salary less taxes \$275.23		\$1349.77
DD Stock Grower's Bank	Withholding Taxes		\$552.78
DD ND State Tax Commission	State Tax		\$12.00
DD Job Service ND	Unemployment Comp.		\$1.63

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

DRAIN NO. 11:

The Corps of Engineers plans to issue a decision regarding the 404 permit soon.

There are no purchase agreements to approve. Ohnstad Twichell filed the eminent domain action and that litigation is proceeding.

A cost-share reimbursement request was sent to the State Water Commission and we received (\$586.25).

Reassessment Update:

Ransom County, through their attorney, continues to convey that they receive zero benefit from Drain 11 and are not willing to further discuss the reassessment of the Drain. Engineer Gross said he has not had an opportunity to speak directly with the Ransom County Commissioners regarding the board's opinion.

Gross did receive the permit records requested from Ransom County Water Resource District. After his review of the records, he found only one permit in the Drain 11 watershed.

Gross said that we received comments regarding the Drain reassessment matrix from Dickey County Water Resource District.

We are running into time constraints with sending assessment information to the county auditors as the matrix has not been finalized. Engineer Gross suggested bringing Ransom, Dickey and Sargent together one last time to discuss the reassessment to allow an opportunity to review the most recent comments received and determine a path forward. The SCWRD Managers asked administrator Willprecht to set up a meeting for the three counties on Tuesday, August 31st, at 8:00 a.m. Willprecht will reach out to all water board managers and county commissioners and let them know about the meeting.

Gross added that we need to set a date for the public hearing soon.

Marc D. O'Brien Subsurface Water Management Application:

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2021-11*, dated August 5, 2021, filed with the Board by Applicant Marc D. O'Brien. Under the Application, Applicant seeks to install a 95-acre drain tile system in the West Half and the Northeast Quarter of the Southwest Quarter of Section 15 in Tewaukon Township, Sargent County, North Dakota. The project will include a single pump outlet located in the southeast corner of the Northeast Quarter of the Southwest Quarter of Section 15; the pump will discharge directly into a natural watercourse.

According to the County tax roll information, Marc O'Brien and Patrick O'Brien own the West Half and the Northeast Quarter of the Southwest Quarter of Section 15 in Tewaukon Township.

Manager Zetocha moved, and Manager Stein seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2021-11* dated August 5, 2021, for Marc D. O'Brien in the West Half and the Northeast Quarter of the Southwest Quarter of Section 15 in Tewaukon Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-11, subject to the following conditions:

- 1) that Applicant install and maintain erosion protection at any and all outlets into the natural watercourse in the Southwest Quarter of Section 15;
- 2) that Applicant re-establish any areas disturbed installing or maintaining Applicant's tile system;
- 3) that 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 West Half or the Northeast Quarter of the Southwest Quarter of Section 15 in Tewaukon Township under any blanket easements, or otherwise beyond the Water District's existing easement;
- 4) that 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; and
- 5) that Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-11 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.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the District will recommend 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. 2021-11 to the State Engineer's Office and Southeast Water Users District.

TRAVIS BERGH

Mr. Bergh approached the SCWRD with questions regarding a possible tile project, and the necessity to potentially mitigate wetlands. Attorney Fredricks encouraged Bergh to contact the NRCS and explained the Board does not have jurisdiction over NRCS wetland issues; the Board leaves those matters up to the applicants. In the meantime, Fredricks indicated Bergh could submit the application and that the SCWRD would review it at the September meeting; the Board could approve it, with the recommendation that Bergh work through NRCS issues separately.

DRAIN NO. 7:

Engineer Gross indicated the Water Managers who participated in the meeting with the State Water Commission cost share meeting did an excellent job explaining the project and the Board's exemption request, but the SWC did not approve

the Board's request for the exemption. Research is being done to find out if there is funding for this project through the ND DOT since it is a road crossing where safety has become a concern.

Sargent County Commissioner Richard Ruch said that the County plans to install two 54"x60' round emergency culverts in the next couple of days. The plan is to reconstruct this crossing next spring when the SCWRD completes this project. The estimate for the emergency culverts cost is approximately \$6000.

Possible Steps:

1. The Board could authorize the final plan for this project with an expected completion date of fall 2022.
2. Moore Engineering will keep working with the ND DOT in hopes of receiving funding from them due to the nature of this project.
3. Effort will be made to increase the benefit/cost ratio for this project.

Manager Zetocha moved, and Manager Wyum seconded the motion, to authorize Moore Engineering to proceed with plans and specs for the project. Upon roll call, the motion carried unanimously.

DRAIN NO. 12:

This project is at the close out point. Moore is preparing the final cost summary and requested the income and expense statement from the County.

The Board received \$14,008.50 in cost share reimbursement from the State Water Commission.

SILVER LAKE DAM:

This project is at the close out point. Moore is preparing the final cost summary and requested the income and expense statement from the County. The Board received \$1,357.50 in cost share reimbursement from the State Water Commission.

Manager Sue of Silver Lake has requested the sheet pile to come out. The pile is located north of the dam. Instead of removing the sheet pile, the Managers suggested cutting the area to grade and adding soil to the top. The Managers did not want the sheet pile to be removed.

SHORT FOOT CREEK:

No report from Moore Engineering. We did receive \$9,305.56 in cost share reimbursement from the Red River Joint Water Resource District and \$7,708.76 in cost share reimbursement from the State Water Commission.

DRAIN NO. 9 EXTENSION:

The State Water Commission approved the Board's request for 45% cost share on eligible items for this project. The 9/11 Outlet Project is in the preliminary design stage. The SWC will forward a cost-share agreement for the Board to execute. Next steps (after landowner bond is collected) include:

1. Preliminary data is being collected.
2. Moore will proceed with preliminary plans.

CROOKED CREEK WATERSHED PLAN:

The RCPP contract has been approved. Engineer Gross would like suggestions for a project planning team. Gross said he would need 5-6 proactive people who will contribute comments. Gross would also like 2 Water Board Managers to be part of the team. A list of prospective team members was generated by the SCWRD Managers and provided to Engineer Gross. Gross will follow up with those on the list.

TEXAS CROSSING: No action needed at this time.

DRAIN NO. 16:

Colin Anderson, Gerad Enger and Sean Seefeldt from Ellingson spoke to the group in person at the Sargent County Courthouse. The gentlemen came at the request of the Water Board regarding moving water south of Highway 11. Manager Zetocha commented that the City of Cogswell has been fighting water for decades. There are also about 250 acres north and east of Cogswell that have been inundated as well. Specific project options will be put together by Ellingson and forwarded to the SCWRD. However, a rough estimate for the project was said to be around \$600-650,000. The SCWRD stated that due to the magnitude of the Drain 11 project, they could not consider committing to funding for this project until possibly December 2021 or January 2022.

RS #1:

- | | |
|---|--------------|
| 1) Revenue: | |
| -Sargent Cty Tax & Business | \$ 1,043.35 |
| 2) Balance as of July 31 st , 2021 | \$342,203.22 |

Manager Stein made a motion to assess \$4.00/acre for the RS#1 project. Manager Wyum seconded it. Upon roll call, the motion carried unanimously.

DICKEY-SARGENT JOINT BOARD: The following Dickey-Sargent Joint WRD bills were presented for approval by Wendy Willprecht, Secretary-Treasurer:

82310	Dakota Valley Electric-Electricity	\$131.00
82438	Ohnstad Twichell-Review Lambert file/review closing documents/mtg.	\$1,008.00
	General Irrigation- 3/25/21 Remaining Balance-	\$1,825.63

Manager Stein made a motion to approve payment of the Dickey-Sargent bills. Manager Wyum seconded the motion. Upon roll call, the motion carried unanimously.

Meeting adjourned at 10:12 a.m.

LUCAS SIEMIENIEWSKI, CHAIRMAN

ATTEST:

WENDY WILLPRECHT SECRETARY-TREASURER