

**MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD
HELD ON THURSDAY, AUGUST 20, 2009 AT 7:00 P.M. IN THE COMMISSIONERS
ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND**

Managers present: Jim Bosse, Mark Breker, Richard Engst and Dan Jacobson. Absent Roger White.

Approve July 16, 2009 minutes and July 2009 financial statement.
(Breker/Jacobson, unanimous)

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

61161 Daniel Bishoff	Beaver-Dr # 9	50.00
61162 James Bosse	Travel	129.80
61163 Mark Breker	Travel	39.60
61164 Richard Engst	Travel	100.60
61165 Dale Hoffer	Beaver-WCI#1	50.00
61166 Dan Jacobson	Travel	48.15
61167 Moore Engineering	Dr4-\$40; Dr11-\$776.25 and WCI#1-	4013.80
	\$3197.55	
61168 Ohnstad Twichell Law Offices	General attorney fees	753.20
61169 Red River Basin Comm.	2009 Dues	960.00
3627 Mark Breker	2 PD less 18.36	221.64
3628 Danny Jacobson	10 PD less 92.68	1027.32
3629 Sherry Hosford	Sec. salary less 24.22	292.45
3630 Richard Engst	5 PD less 42.84	517.16
3601 James Bosse	9 PD less 88.62	991.38
DD Sargent County Bank	Withholding taxes	521.71

Jim Bosse visited with Todd Bergh regarding Permit to Drain No. 3367. According to Todd Bergh, he should not need written permission from Joe Breker (Permit No. 3278) to tie-into the tile drain system in the Southeast Quarter of Section 22 because the tile drain does not tie-in to Mr. Breker's but instead runs parallel and into a natural watershed. The Secretary was instructed to contact Attorney Sean Fredricks to revise Todd Bergh's permit.

Brian Vculek, Oakes, talked to NRCS about a WRP project. Tom Jones (NRCS) explained that they can make a landowner remove sediment from the bottom of the sloughs as part of the reclamation for CRP. Mr. Vculek can see how much sediment has gone into Drain # 11. Brian farms in this area and he knows that there is sediment but Mr. Jones suggested that Mr. Vculek meet with the County Water Board first. Mr. Vculek provided maps and photos to the board with the area and also noted four restrictions. The Board asked Mr. Vculek if these are controlling the flow. Chairman Jim Bosse said FEMA looked at the obstruction in the S1/2-14-132-58 but they did not feel it qualified for FEMA. Jim said FEMA suggested that the road should be built up but also another culvert should be installed. Brian asked if the Board would be opposed to a survey in this area and they agreed they would not be opposed as long as he works with NRCS and any wetland issues. The Board agreed to look at the crossing in the S1/2-14-132-58 and install a culvert. Motion to approve a 30" squash culvert in said location with the length to be determined by Chairman Bosse. (Engst/Jacobson, unanimous)

Emeric Erickson, Milnor met with the Board regarding the water that cut a road on the west side of Borg Lake. There is no outlet except one that is plugged by a manmade gravel bank. Mr. Erickson surveyed the area and explained his findings that there is about 5 foot of drop in this area. He would like to bring the lake level down to the township road. The big concern is that the lake is so high and the water is still running over the roadway now. After lengthy discussion, Mr. Erickson received an Application to Drain to complete and return to the State Water Commission.

Jeff Breker, Havana met with the Board and informed them that the SE Water User's District will be putting in some water line for domestic use in the S1/2 of SW1/4-9-129-54 LTL which is owned by the

Water Board, rented by Jeff Breker and is in CRP. The Board had no objection to approve this easement.

Jeff Breker also discussed with the Board about installing tile in the NE1/4 of NW1/4-8-129-54 LTL, which is land owned by this Board and rented by Jeff Breker. The Board said an easement would be required on this land and also contact with the Tewaukon National Wildlife Refuge. Mr. Breker obtained Applications to Drain with Drain Tile to complete and send to the State Water Commission. Other issues were discussed including cost to install the tile and the annual Cash Rent Agreement with Mr. Breker.

Board members met with the County Commissioners on August 4th regarding the twin pipes damaged on Drain No. 12 between Sections 6 and 7 in Marboe Township and were informed that this is an ER site and funding and repairs will be completed by the county.

Also discussed repairs to the culvert and roadway approximately 2 miles south of Rutland. A damaged detailed inspection report has a total estimated cost of \$522,600.45, which includes preliminary and construction engineering. A motion to pay Sargent County 50% of the local construction cost. (Jacobson/Engst, unanimous)

The Board reviewed the report from the annual dam inspection and instructed the Secretary to send a letter to the Sargent County Weed Control Officer and ask if he would be available to spray the Wormwood Sage and trees present on the embankment of Brummond-Lubke Dam. All other areas were in good condition.

Richard Engst updated the Board on the FEMA project east of Milnor on Drain No. 7 (aka SCWC#1). The time line includes ordering the culverts on August 21, mail bid packages to contractors on September 4, award construction contract at Sargent County Water Board meeting on September 17 and concrete boxes should be delivered on site on September 21.

Sean Fredricks, Attorney informed the Board that on Permit No. 3369 for Barry Vculek, this Board determined that an easement was appropriate from the Witkowski's. Mr. Vculek questioned why a flowage easement is necessary because the Witkowski's would be granting themselves (owners of the land) a flowage easement. The Board's main concern was that the abstract for the Quarter should show the permit. Since Mr. Vculek has already obtained written permission from the Witkowski's and because an easement from the owners of the SE1/4 and SW1/4-14-132-58 (the Witkowski's) may simply merge and disappear on an abstract, the best route, according to Mr. Fredricks, may be to simply record the finalized permit. Motion to eliminate the condition that Mr. Vculek obtains a flowage easement from the owners of the SW1/4-14-132-58 and replace with a condition that Mr. Vculek records the final, approved permit (all supporting documents) with the Sargent County Recorder's Office. (Jacobson/Engst, unanimous) Attorney Fredricks will send out the Amended Notice of Decision.

Board members discussed other matters including work on Drain No. 4 to find the collapse in the tile, work on Tri-County Drain and possibility of expanding the assessment area and a field approach in the SE1/4-23-130-58 which is the only access for one mile. Drain No. 11 crosses Don Rust's driveway in said section and he is willing to remove this field approach which has a 30"X24' culvert for a larger culvert through his driveway. There is excessive water that flows through this culvert from the hills and gets to the county road. The Board suggested a 48" squash culvert 60 feet long with beveled ends. Jim Bosse will coordinate this project.

Milnor City is installing approximately 10,000 SF of new and replaced concrete sidewalk and handicap ramps and detectible warning panels as well as crosswalks markings and signage and contacted the

Board for information or comments relating to environmental or other matters that affect this project. No comments or concerns were noted.

The Red River Joint Water Resource District has approved a Resolution of Support Regarding Agricultural Tile Drainage and sent a letter to Governor Hoeven and the State Water commission encouraging them to renew cost share for drainage projects.

Meeting adjourned at 10:45 p.m.

JAMES BOSSE - CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY