1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, November 9, 2005, at the office of the District located at 11 Fifth Avenue East, Ada, MN.

2. The following members were present: Jim Skaurud, Steve Dalen, Diane Ista, James Wagner, Sr., Bob Wright, Joe Spaeth and Warren Seykora. The following members were absent: None. In addition the following persons were in attendance, Mark Aanenson, Interim Administrator; Loretta Johnson, recording secretary; Elroy Hanson, Attorney; Engineer Jerry Bents and Tim Halle, publicist.

3. Chairman Seykora called the meeting to order at 8:45 a.m.

4. Approval of Agenda. A motion was made by Manager Ista and seconded by Manager Wagner to approve the agenda with the addition of the approval of the resolution for the MAWD annual meeting and a request to the Norman County SWCD to approve the FEMA ruling change. Carried.

5. Managers Concerns. Manager Dalen reviewed an exercise with each individual Board member regarding their views on flood damage reduction.

6. Regular Meeting Minutes. A motion was made by Manager Wright and seconded by Manager Skaurud to table action on the October 12, 2005, regular meeting minutes until the December meeting. Carried.

7. Monthly Financial Report. Accountant Marcussen reviewed the October 2005 monthly financial report. A motion was made by Manager Wright and seconded by Manager Wagner to approve the financial report for entry into the record. Carried.

8. November Project Team Meeting. Due to the Thanksgiving holiday, consensus of Managers was to change the Project Team Meeting to 1:00 p.m. on Wednesday November 30, 2005. Items on the agenda will include the South Branch Storage Sites and CREP.

9. Complaints/Violations Investigations. Mark Aanenson distributed a spreadsheet listing the status of the current violations and payments. Consensus of Managers was to hold the Bergstrom billing at this time.

Attorney Hanson provided an update on the Eugene Vik violation and suggested that no action be taken by the Board on payment for the Vik violation until Vik’s attorney has time to review the information that they have requested. Mark Aanenson stated Attorney Haik has requested a large amount of information, both on the Upper Reaches and Project #31. Aanenson notified Haik that the District office is in the process of having an outside business do the copying of the information.
Manager Ista reported that she had visited Vik in an effort for him to sign the access easement for repairs to project No. 31, but he had declined. Manager Wagner stated that Vik continues to move dirt in that area with his own equipment.

10. 10:00 a.m. Project #31 Heitman Petition for Improvement of Outlet
Bruce Tufte, Steve Jacobson and Dwight Heitman met with Managers at 10:00 a.m. to discuss the Petition for an Improvement to the Outlet of Project #31 by Heitman and neighboring landowners. Engineer Bents informed landowners that Manager Ista met with Vik in an effort to obtain an access easement, however he has denied signing or entering into an agreement and has hired an attorney. It has been brought before the Board that Hegne Township has ROW along Section 31, of Hegne Township, but that easement would not provide enough land for access and there would be a gap. Heitman stated that there might be closer access across his property. Attorney Hanson stated that the District could clear trees on Project #31 and along the Upper Reaches Project for access to the repair. Heitman suggested that since it is not imperative to get the silt cleaned out at this time of the year, it may be better to try to work with Vik throughout the winter months to come to an agreement. A motion was made by Manager Skaurud and seconded by Manager Ista to table the Petition for an Improvement pending further investigation. Carried. Consensus of Managers was for Attorney Hanson to check on the possible township right of way.

Attorney Hanson stated that the question had been raised if the District needed to require a bond, due to Norman County submitting the petition. A bond is not necessary, however Hanson wanted to make sure that petitioners who signed were aware and comfortable with the fact that if the project never went forward they would be responsible for the costs. Heitman stated that he thought everyone who signed the petition was aware of that. A motion was made by Manager Dalen and seconded by Manager Ista authorizing Engineer Bents to prepare an Engineer's Report to bring back to landowners. The District will waive the bond due to Norman County being the petitioner. Attorney Hanson will verify by tax roles that the necessary percent of property owners have signed the petition. Carried. Landowners left the meeting at 10:20 a.m.

11. Violations/Investigations. Attorney Hanson reported that Julie Bruggeman, Mahnomen County Attorney, declined prosecuting Pederson Brothers for their violation but Hanson indicated that he would talk to her because he did not think she understood watershed district law. Hanson stated that if there is a violation of watershed district rules, we could ask for it to be enforced criminally.

A motion was made by Manager Ista and seconded by Manager Dalen authorizing the collection of fees regarding the Kenny Visser to move to conciliation court. Staff will provide Hanson with the current itemized statement of costs. Carried.

Aanenson stated that Jerry Chisholm filed a complaint against Joe Chisholm, but on investigation by Aanenson this is private family owned land and would not be pursued by the District as a violation. Aanenson will work with Chisholm in an effort of resolution.

Staff is in the process of investigating a complaint filed by Jerome Matter. Matter does not know who actually did the work.

12. Norman County Acquisition Update. Aanenson reported that the District received payment from the DNR on the earliest submittal by the District dated December 15, 2004, and Ed Fick indicated that he needed further information regarding the dates of the work on the final submittal. Fick stated that payment would be made upon receiving the information. A new DNR acquisition grant will be provided to the Watershed District within the next few days.
13. 10:30 a.m. Bob Brandt, Clean & Deepen Existing Ditch, Sec. 15, McDonaldsville Township. Dr. Dave Solseng, Ronnie Rasmussen, Bob Brandt and Corey Jacobson met with Managers at 10:30 a.m. to discuss the permit application of Bob Brandt. Rasmussen stated that the water along Highway #200 was meant to split just as it is now and that the Golf Course is suffering from too much water and doesn’t want anymore running onto it. The Golf Course doesn’t want the grade lowered so that there is more erosion. Rasmussen stated that he looked at Norman County Ditch #26, which has siltation and felt that a lot of the water problems could be solved if that ditch system was cleaned.

Bents explained that there is a split in the flow that has been there for a long period of time and there are also concerns from downstream landowners. Aanenson said that Brandt would need downstream approval however Brandt does have approval from Excel Energy and United Building Center Lumber Yard and also suggested working with the County in getting Ditch #26 cleaned, as it is under county jurisdiction. Corey Jacobson felt that even if #26 were cleaned it would not alleviate the water problems on the south side #200 in Section 15 of McDonaldsville Township. A motion was made by Manager Dalen and seconded by Manager Wright to deny Permit Application No. 11-9-05-1 of Bob Brandt. Carried.

14. Administrative Contract. Attorney Hanson reported that he has not received a reply from Tera Guetter indicating whether she accepted the District’s proposed administrative contract. Consensus of Managers was that Hanson should contact Guetter on Monday November 14, 2005, if she has not replied by that time.

15. After the Fact Permit Changes. Attorney Hanson recommended that the Board reconsider the motion to charge $100 for a first time after the fact permit and $500 for the second and change the rate to $10 per application fee. Hanson requested that the minutes reflect that he is opposed to the fees of $100 or $500. A motion was made by Manager Dalen and seconded by Manager Skaurud authorizing Attorney Hanson and Warren Seykora to do some research into the permit application process. Carried.

A motion was made by Manager Dalen and seconded by Manager Wagner to amend the date of the original after the fact charges to January 1, 2006. Manager Wright commented that he is drastically opposed to the after the fact fees. Managers Dalen, Wagner, Skaurud and Seykora voted for the motion and Managers Wright, Ista and Spaeth opposed. Carried.

16. Heiberg Dam. Attorney Hanson discussed a proposed settlement agreement with Furuseths regarding the land issue and their intent to install a hydroelectric project. Engineer Bents raised some concerns regarding the language in the agreement, which might lead Furuseths to believe the District would incur additional costs in exploring the viability of a hydroelectric project. Bents questioned what further obligations this agreement would bring to the District. Hanson stated that Furuseths will be meeting with their attorneys and reviewing the agreement before signing.

Engineer Bents reviewed the funding for the project and stated that now there are some issues with the grant from the Tribe. Engineer Bents also provided correspondence from Schipper Construction, in which Schipper stated that he does not intend to sign the contract for this project because of the contract modification stating that a certain portion of the work must be completed by June 30, 2006. He anticipated that a large portion of the work would be done, but cannot guarantee it. He also expressed concerns that the project could be shut down due to an injunction or legal outcome by the previous owner of a portion of the property.
A motion was made by Manager Dalen to reject the original bids for the Heiberg Dam Project and rebid the project unless Schipper agrees to the terms with the June 30, 2006 deadline. Carried.

17. J.D. #53 Financial 2006 Assessment. Doug Marcussen reported that because of the financial status of J.D. #53 Main and J.D. #53, Lat. #1 and because of the considerable amount of requests for work on J.D. #53 Main, he was recommending an increase in the levy for 2006. Marcussen also recommended that landowners be given notification and a time set up for them to meet with the Board to discuss these issues. The final levy must be submitted to the respective auditors no later than December 15, 2005, therefore the meeting with landowners could be set for December 14, 2005, at the regular Board meeting. A motion was made by Manager Spaeth and seconded by Manager Wagner to schedule a landowner informational meeting for December 14, 2005, at the regular Board meeting, and provide notification to all landowners on J.D. #53, Main and J.D. #53, Lat #1. Carried.

18. Heiraas Lawsuit. Attorney Hanson reported that the trial brought by A.C. Heiraas is still scheduled for December 19, 2005. Kurt Deter, Attorney with Rinke Noonan will be assisting Hanson.

19. Data Practices New Policy. Attorney Hanson stated that the legislature has made changes to the existing Data Practices Policy, and Hanson recommended that the District adopt the changes. A motion was made by Manager Skaurud and seconded by Manager Spaeth authorizing Attorney Hanson to prepare a resolution regarding the proposed changes to the Data Practices Act and bring it to the December meeting for approval. Carried.

Manager Wagner also brought up the issue of Jerry Bennett continuing to have discussions and/or correspondence with Attorney Hanson and the District being billed by Hanson for this time. Wagner stated that private individuals need to be told that the District will not continue to pay attorney fees for discussions with Hanson.

20. Attorney Hanson left the meeting at 12:00 noon.

21. 1:00 p.m. Derek Hendricks, “After the Fact Permit” Sec. 30, Wild Rice Township. Derek Hendricks, Roger Hendricks, Loren Eken, Don Skaurud, Ryan Braulick and Mick Alm met with Managers to discuss the permit application by Hendricks. Mark Aanenson placed a drawing of the permit location on the Board and noted that downstream landowners were notified. Derek Hendricks stated that the ditch was not dug deeper than the culverts. Aanenson stated that upon inspection, it was his conclusion that the work required a Watershed District permit. Ryan Braulick, NRCS, stated that the Farm Service Agency reviewed the work and the dirt has been leveled off to their satisfaction.

Mick Alm, Norman County Engineer said that the County and the benefiting landowners are concerned about additional water coming into the county ditch system, but the benefiting area was determined many years ago and some of that water may have been coming into that ditch from the beginning. The County requested that a block be installed in the quarter line to prevent additional water going into the ditch system, which he indicated had been done to his satisfaction. Engineer Bents recommended approval of the permit with costs incurred by the District as a result of the violation, assessed to the landowner. A motion was made by Manager Dalen and seconded by Manager Ista to approve Permit Application No. 11-9-05-2 and assess costs to Hendricks. Carried. Managers Spaeth and Skaurud opposed. Landowners and members of the public left the meeting at 1:25 p.m.
22. Brian Borgen arrived at 1:30 p.m.

23. 1:30 p.m. Jennifer Olson, Rural Development Commission (RDC) Hazard Mitigation Plan Presentation. Olson gave a brief report on the Hazard Mitigation Plan that she is preparing for Norman County, which will be presented to both FEMA and the State of Minnesota. A motion was made by Manager Dalen and seconded by Manager Wagner authorizing Mark Aanenson to review the Hazard Mitigation Plan, coordinate with Engineer Bents and provide any comments to the Board. Carried.

24. Approval of Billings. A motion was made by Manager Ista and seconded by Manager Dalen to approve the monthly billings for payment. Carried.

PERMIT APPLICATIONS

25. Conrad Wiger, Install Culvert, Section 20, Ulen Township, Clay County.
A motion was made by Manager Ista and seconded by Manager Wright to table Permit Application No. 11-9-05-3 of Conrad Wiger and schedule time to meet with him. Carried.

26. Erik Rockstad, Install Culvert, Section 26, McDonaldsville Township.
A motion was made by Manager Ista and seconded by Manager Spaeth to approve Permit Application No. 11-9-05-4 of Erick Rockstad. Carried.

27. Keith P. Chisholm, Move Crossing & Install 30” Culvert, Section 31, Pleasant View Township.
A motion was made by Manager Ista and seconded by Manager Spaeth to approve Permit Application No. 11-9-05-5 of Keith Chisholm with the condition that the 24-inch pipe cannot be removed. Carried.

A motion was made by Manager Skaurud and seconded by Manager Wagner to deny Permit Application No. 11-9-05-6 of Keith Chisholm to install an additional culvert in Section 31, Pleasant View Township. Carried.

29. Dan Ruebke, Deepen Culvert, Section 33, Green Meadow Township.
A motion was made by Manager Ista and seconded by Manager Wright to approve Permit Application No. 11-9-05-7 of Dan Ruebke to deepen a culvert in Section 33, Green Meadow Township. Carried.

30. Harry Kveno, Lower Culvert, Section 34, Bear Park Township.
A motion was made by Manager Skaurud and seconded by Manager Dalen to table Permit Application No. 11-9-05-8 of Harry Kveno and notice downstream landowners for action at the December meeting. Carried.

31. Bruce Tufte, Remove Crossing, Section 5, Rockwell Township.
A motion was made by Manager Dalen and seconded by Manager Wagner to table Permit Application No. 11-9-05-9 of Bruce Tufte and notify downstream landowners for action at the December meeting. Carried.

32. Ed Scherping, Construct Ditch, Section 35, Pembina Township, Mahnomen County.
A motion was made by Manager Spaeth and seconded by Manager Wagner to approve Permit Application No. 11-9-05-10 of Ed Scherping to construct a ditch in Section 35, Pembina Township, Mahnomen County. Carried.
OLD BUSINESS

33. **Clay County Funding Request.** Mark Aanenson explained a request by the Clay County Soil & Water Conservation District for $450 in cost share funding towards the Farm Bill Assistance Grant Program, which would be used by staff in marketing the high priority CREP areas. A motion was made by Manager Wright and seconded by Manager Wagner to approve the request. Carried.

34. **Challenge Grant Presentation.** Engineer Bents informed the Managers that the original grant application was approved in March of 2005, which will provide the information for a GIS based map of the benefiting areas of the ditch systems and may also include right of way. A motion was made by Manager Dalen and seconded by Manager Spaeth to proceed with the authorized scope of work as presented. Carried.

35. **Ditch System Buffer Strip Maintenance.** A motion was made by Manager Dalen and seconded by Manager Spaeth to discuss buffer strip maintenance at the December meeting and for Managers to bring forth any ditch systems that they know require this maintenance for discussion. Carried.

36. **2005 Flood Storage Investigation.** Manager Dalen gave an update on the status of the 2005 Flood Storage and stated that from a meeting held with Engineer Bents one thing discussed was the need to include erosion control.

37. Brian Borgen left the meeting at 3:40 p.m.

38. **Wild Rice River Feasibility Study (COE WRRFS).** Engineer Bents provided an update on the COE WRRFS and reported on a meeting held with Nan Bischoff, Randy Devendorf and Scott Jutila, COE. Bents questioned Bischoff what the District must do to drop Alternative #1 which includes the setback levees as the preferred alternative. Bents reasoning was that the Watershed District, members of the public and local landowners are strongly opposed to the flood storage easements, Alternative #1 cannot be considered as the preferred alternative as it is not feasible. Bents stated that the COE is unwilling to drop Alternative #1 at this time.

Bents stated that the U.S. COE currently has no funding to proceed with Phase II; they are waiting for approval of an Energy & Water Bill in which approximately $100,000 COE funding would be appropriated. The District has put in for bonding in 2006, but that would not be approved until the spring of 2006. Bischoff stated that therefore we are on hold with the COE WRRFS at the current time. However, consensus of Managers was to move ahead with Phase II and investigate storage, with bonding money that the District is seeking for the local cost share on Phase II. If the Energy and Water bill passes, the COE will have funding to move ahead on Phase II, and Bents indicated to Nan Bischoff that the District would like to move ahead with the investigation of the storage sites on the South Branch. Engineer Bents distributed some tentative funding options and the pros and cons of each were discussed.
Bents indicated that a Purpose and Needs Statement is necessary as part of including this in the COE WRRFS and brought forth the following for discussion.

“Purpose & Need on South Branch”
Need Statement (COE Concurrent Point No. 1):
“The need to reduce frequent flooding along the lower reach (Norman County Road No. 2 to the Red River) of the Wild Rice River and Red River of the North is well documented. Flooding along the lower Wild Rice River has inundated up to 70,000 acres of prime farmland several times in the last 10-year period. The South Branch of the Wild Rice River typically contributes approximately 30% of the Wild Rice River flood peak. Furthermore, flood peaks on the Wild Rice River and Red River of the North typically occur simultaneously resulting in an increase in mainstem flood stages.

In addition, substantial erosion through the beach ridge area of the South Branch of the Wild Rice River has also been experienced. This erosion during high flow events result in substantial sedimentation to the downstream reaches of the South Branch, the Wild Rice River, and the Red River of the North.”

Project Goal/Purpose (COE Concurrent Point No. 1):
“The purpose of the project(s) is to provide a 30-40% reduction in the 10-year discharge at the outlet of the South Branch of the Wild Rice River. Whenever possible, proposed project(s) shall be designed and operated to have the capability to control floodwater to avoid contributing to downstream peak discharges on the Wild Rice River and Red River of the North. The project should also contribute to a reduction in stream erosion through the beach ridge area of the subbasin.

These project purposes on the South Branch of the Wild Rice River are designed to work in concert with other measures proposed in the Wild Rice Watershed District Watershed Management Plan to achieve overall flood damage reduction goals of the District.”

Bents stated that Don Buckhout indicated that documentation of the sources referring to the frequent flooding on the Wild Rice and Red Rivers of the North in the Need Statement and also more quantification of the purpose in the Project in the Project Purpose statement may be necessary. Bents stated that between now and the Project Team meeting he would add the details that the COE brought forward.

39. Managers Skaurud and Dalen left the meeting at 4:00 p.m.

40. Upper Felton Storage Investigation. Engineer Bents reported that surveying has started on the project and Mark Aanenson will begin the wetland delineations within the next week. Bents met with USFWS and they are still interested in purchasing Section 14 but he did not know what amount they might be willing to pay.

41. Building Repairs. Mark Aanenson reported that the new fire extinguishers have been installed and he talked to Al Leiran about dropping insurance on the shed and allowing Willard Gade to rent it at his own risk. Attorney Hanson intended to draw up an agreement for Gade to sign, however, Gade is not sure that he wants to rent it without it being insured. Aanenson will talk to Gade. Manager Skaurud contacted Clayton Roering regarding the necessary brickwork on the office building. Roering will do the work, but is not sure he can get it done by April 1, 2006, he may need a time extension. Mark Aanenson will also contact an additional brickwork contractor.
42. **Moccasin Creek Survey Update.** Engineer Bents distributed a handout of the survey that what was completed. He stated that the District might want to schedule a meeting with the DNR and look at all of the options. A motion was made by Manager Wright and seconded by Manager Wagner authorizing a committee of Managers Skaurud, Seykora and Spaeth to meet with landowners and agencies to discuss the survey. Carried.

43. **Project No. 9 Sections 31-35 Winchester Repair.** A motion was made by Manager Ista and seconded by Manager Spaeth authorizing Pay Request # 4 in the amount of $142,421.40 to Midwest Seeding, of Middle River for the Winchester Township Repair. Carried.

44. **Project No.9 Section 8, Hagen Township Repair.** A motion was made by Manager Spaeth and second by Manager Wagner authorizing Pay Request #3 in the amount of $26,641 to Gordon Construction for the Hagen Township Repair. Carried.

45. **Data Practices.** Managers discussed establishing a Web Site for the District. This would eliminate the need to send meeting notices and minutes out of the office, offering anyone who is interested the ability to keep informed through the Web site. Manager Wright stated that the RRWMB authorizing funding 50% of the cost up to $6,000 for member Districts. Engineer Bents stated that the Sand Hill Watershed hired a consultant, who did an excellent job in setting up their Web Site. A motion was made by Manager Ista and seconded by Manager Wagner authorizing Mark Aanenson to get information on a cost for establishing the Web Site for the District. Carried.

46. **Insurance Committee Update.** Mark Aanenson stated that he contacted John Hoffman in an attempt to determine if he could provide the District coverage through the League of Minnesota Cities. From Hoffman’s initial reply it appeared that the District would have to sign an agreement for him to be the agent, which is not unlike what Harlan Rise requested. Aanenson also reported that Al Leiran indicated that he would not be submitting a quote for District insurance. Aanenson still has a call in to Hoffman and will bring an update to the December meeting.

47. **Farmstead Ring Dikes.** A motion was made by Manager Ista and seconded by Manager Wright authorizing a Final Pay Request in the amount of $3,134 to Ziegler Construction for the Lyle Docken farmstead ring dike. Carried.

Engineer Bents distributed information compiled by Mike Buerkley on the following five ring dikes in the order that he thought was the need. They are James Regstad, Harry Haskins, Rodney Olson, Keith Stevenson and Larry Richards. A motion was made by Manager Spaeth and seconded by Manager Ista for the ring dike committee to meet with Mike Buerkley at 9:00 a.m. on Wednesday November 16, 2005, at the Georgetown elevation to do a site visit of the five properties. Carried.

48. Manager Spaeth left the meeting at 5:00 p.m.

**NEW BUSINESS**

49. **J.D. #53 Gene Ueland Request to Clean Section 25, Shelly Township.** A motion was made by Manager Ista and seconded by Manager Wright to approve the cleaning request. Carried.

Engineer Bents stated that Ueland also has a request to clean 7 miles on J.D. #53 Lat #1, in Sections 33-36 of Shelly and Sections 31-33 of Good Hope Township, but suggested that this be discussed at the December regular meeting with landowners.
50. **High Priority CREP Areas.** Mark Aanenson reviewed the high priority CREP areas. Aanenson stated that it was his understanding that the FDRWG had available funding for GIS mapping of the high priority areas. A motion was made by Manager Ista and seconded by Manager Wright authorizing Mark Aanenson and Warren Seykora to check into the funding. Carried.

51. **DEM/LIDAR.** Engineer Bents provided an update and stated that since both Clay and Norman Counties agreed to contribute $10,000 that will commit the District to only $30,000, which will be taken from the Survey & Data Account.

52. **MAWD Annual Meeting & Trade Show, December 1-3, 2005, Alexandria, MN.** Managers Dalen and Skaurud were appointed MAWD delegates with Manager Ista as alternate. Mark Aanenson was appointed media spokesman.

53. There being no further business to come before the Board of Manager a motion was made by Manager Wagner and seconded by Manager Ista to adjourn the meeting. Carried.

54. Chairman Seykora adjourned the meeting at 5:30 p.m.

[Signature]
Jim Skaurud, Secretary
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<td>9338</td>
<td>Steve Dalen</td>
<td>Per Diem</td>
<td>(1,166.25)</td>
</tr>
<tr>
<td>11/09/05</td>
<td>9339</td>
<td>Tim Hallo</td>
<td>Press Release/Annual Report</td>
<td>(720.00)</td>
</tr>
<tr>
<td>11/09/05</td>
<td>9342</td>
<td>James Wagner, St.</td>
<td>Beaver Dam Removal</td>
<td>(3,123.76)</td>
</tr>
<tr>
<td>11/09/05</td>
<td>9343</td>
<td>Wambach &amp; Hanson</td>
<td>October Billings</td>
<td>(5,668.20)</td>
</tr>
<tr>
<td>11/09/05</td>
<td>9344</td>
<td>Warren J. Seykora</td>
<td>Per Diem &amp; Expenses</td>
<td>(1,719.55)</td>
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<tr>
<td>11/14/05</td>
<td>09305</td>
<td>Ziegler Construction</td>
<td>Pay Requests</td>
<td>(3,629.00)</td>
</tr>
<tr>
<td>11/17/05</td>
<td>09320</td>
<td>Aquila</td>
<td>Utilities</td>
<td>(49.03)</td>
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<tr>
<td>11/17/05</td>
<td>09348</td>
<td>G R Graphics-Maintenance</td>
<td>Copier agreement/scanner agreement</td>
<td>(249.69)</td>
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<tr>
<td>Total Checking-RAB</td>
<td></td>
<td></td>
<td></td>
<td>(322,313.50)</td>
</tr>
</tbody>
</table>
1. Home
2. Man (32 years old)
3. Dan Hendricks
4. Jerry Hendricks
5. Don Brudie
6. Rick Allen
7
8
9
10
11
12