

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, DECEMBER 19TH, 2024 AT 8:05 A.M. IN THE WATER BOARD CONFERENCE ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN NORTH DAKOTA

In attendance: Vice-Chairman Michael Wyum, Managers Bruce Speich, Todd Stein and Roger Zetocha. Also in attendance was Wendy Willprecht Secretary/Treasurer. Present via video conference was Attorney Sean Fredricks, Stephan Hilfer and Katie Schmidt of Ohnstad Twichell, Nathan Trosen, engineer for Moore Engineering, Leon Mallberg.

Manager Zetocha moved to approve the November 21st, 2024 regular meeting minutes and the October 2024 financial statement. Manager Stein seconded the motion. Upon roll call, the motion carried unanimously.

Manager Stein moved to approve payment of the following bills;

Ohnstad Twichell- Attorney fees \$960.00 **Total: \$960.00**

Moore Engineering-Silver Lake Dam-survey/research costs \$4,777.76;Engineering fees-meetings/correspondence \$1,435.00;Drain No. 9 Ext.-prelim. Design \$12,670.00 **Total: \$18,882.76**

ND Water Resource District Association-Dues \$675 **Total: \$675.00**

Jerry's Backhoe Service-Drain No. 11-removal of debris/beaver dams **Total: \$680.00**

Manager Stein seconded the motion. Upon roll call the motion carried unanimously.

	Lucas Siemieniewski	Travel	\$
	Todd Stein	Travel	\$
	Michael Wyum	Travel	\$
	Roger Zetocha	Travel	\$
	Bruce Speich	Travel	\$
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	\$

Drain No. 11:

Project: No update.

Cost-share reimbursement request to the Sargent County Commission: There has been no update on this matter.

Jerry Meide & Miles Thompson South Lateral: There has been no update on this matter.

Bond Repayment Options: Katie Schmidt of Ohnstad Twichell said that the bond pay off was sent and everything is complete at this time.

Drain No. 4: No report.

Drain No. 2: Manager Speich said that there are just not enough funds in this drain account to repair the areas that are experiencing sloughing. Manager Wyum said that if the county wants the dirt from the repairs for their road project, we might be able to work something out. This discussion will be tabled for a later time.

Drain No. 7: Trosen said the rip rap was installed by Sargent County and looks great. County Road Supervisor, Tim Faber, said he will submit a bill to the Water Board for material, labor and equipment costs. The managers said it would be great to keep working with the county on projects like these.

Hall Township (Maintenance District Petition)- No update.

Drain No. 9 Extension:

Trosen from Moore Engineering said he has been trying to correspond with the NRCS regarding the slough in Section 26 of Brampton Township. Moore is looking to see if there is a wetland determination for the slough which would set the elevation that the project could tie into. In order for Moore to get the elevation information needed, the landowners may need to complete a release form with NRCS, allowing for the release of this information. Trosen plans to reach out to the landowners.

Wild Rice Maintenance District:

Trosen said Moore has drawn up the existing conditions of channel and a proposed grade. Work is currently on hold as Moore is waiting for the preliminary design of the improvements to Drain 9 to be completed.

Tewaukon Watershed

No update.

Drain No. 8: Trosen said we have not received an update on the grant application with the Department of Emergency Services. Trosen said it has been almost 2 years since the SCWRD sent in their original application. He hopes to hear something by the end of the year.

Cogswell Tile: Trosen said we have not received an update on the grant application with the Department of Emergency Services. Trosen said it has been almost 2 years since the SCWRD sent in their original application. He hopes to hear something by the end of the year.

Drain No. 2: No update.

Drain No. 12: No update.

Short Foot Creek: Trosen of Moore Engineering said that there is one more public scoping meeting that needs to take place, then the Board can submit the final plan for this project to the NRCS. Trosen said the NRCS would like to have a meeting in late February or early March.

City of Stirum: No report.

NEW BUSINESS:

Application to Install a Subsurface Water Management System No. 2024-27 for RCM Land, LLP, in the Northeast Quarter of Section 13 in Hall Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2024-27*, filed November 27, 2024, by Applicant RCM Land, LLP. Under the Application, Applicant seeks to install a 145-acre drain tile system in the Northeast Quarter of Section 13 in Hall Township, Sargent County, North Dakota. The project will include a single pump outlet located near the northeast corner of the Northeast Quarter of Section 13; the pump will discharge into the south road ditch along North Dakota Highway 13; the discharge will flow east in the south road ditch, along the north boundary of Section 18 in Wyndmere Township in Richland County.

According to Sargent County tax data, RCM Land, LLP, owns that portion of the Northeast Quarter of Section 13 in Hall Township where Applicant intends to install the tile system. With regard to downstream landowners, NDDOT owns its Highway 13 right of way. Further, according to Richland County tax data, Loran Hudson, Brian Tyler, and Teresa Braaten own parcels adjacent to and along Highway 13 in the North Half of Section 18 in Wyndmere Township in Richland County.

Manager Stein moved, and Manager Speich seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2024-27*, filed November 27, 2024, for RCM Land, LLP, in the Northeast Quarter of Section 13 in Hall Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-27, subject to the following conditions:

1. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
2. Applicant will install and maintain erosion protection at any and all outlets into the NDDOT's Highway 13 right of way.
3. 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.

4. 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 of Applicant's pump outlet.
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 Northeast Quarter of Section 13 in Hall Township under any blanket easements, or otherwise beyond the Water District's existing easement.
6. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-27 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 #4, 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 the North Dakota Department of Transportation 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 recommends that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the North Dakota Department of Transportation to discharge into or otherwise utilize any of NDDOT's Highway 13 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. 2024-27 to the Department of Water Resources, NDDOT, Loran Hudson, Brian Tyler, Teresa Braaten, the Richland County Water Resource District, and Southeast Water Users District.

Fredricks will provide a copy of NDDOT's REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY form to Applicant as a courtesy.

The Sargent County Commission has approved a 4% cost of living increase for county employees. Manager Zetocha made a motion to increase Willprecht's wage for the waterboard by 4%. Manager Speich seconded the motion. Upon roll call, the motion carried unanimously.

OLD BUSINESS:

Silver Lake Dam: Josh Hassell of Moore Engineering met with Dam regulatory staff from Department of Water Resources. There are new dam safety standards that were put in place at the start of 2024. If the board is simply looking to repair the erosion along the face of the dam back to the original dam design, no permit would be needed. If the board decides to do a more extensive improvement project including armoring the face of the dam with riprap a permit would be required.

Since the Dam most likely does not meet current dam safety standards a deviation will have to be requested along with the State's construction permit. This will allow safety improvements to Dam without bringing it to the full standard. Trosen added that if the board went this route, we would be the first dam owner to exercise the deviation option.

Trosen said that if we were to choose to improve the dam with riprap we could apply for cost-share for the design & permitting of the project. If we pursue this type of project, Trosen said we could request cost-share through the state. The state provides 40% cost-share for recreation dams and 60% for dam safety projects. We could also solicit the Red River Joint Board for cost-share which would be 65% of the remaining costs. Trosen estimates the design and permitting to total \$40,000.

Manager Zetocha made a motion to authorize Moore Engineering to submit a cost-share request for design and permitting to the SWC and the RRJWRD for this project. Manager Speich seconded the motion. Upon roll call, the motion carried unanimously.

DICKEY-SARGENT JOINT BOARD

DSJTB bills for approval:

DVEC - electricity -

\$ 141.00

Manager Zetocha made a motion to pay the Dickey-Sargent Joint Board bills. Manager Stein seconded the motion. Upon roll call, the motion carried unanimously.

October 2024 balances:

Maintenance Account Balance: **\$ 35,402.27**
Improvement Account Balance: **\$266,087.27**
Special Assessment-Drain No. 11

The next Dickey-Sargent Joint Board meeting will be held in February 20th, 2025.

**Richland-Sargent Drain #1
Maintenance Fund Financial Statement**

The October 2024 financials:

\$374,907.13

The meeting adjourned at 8:37 a.m.

Michael Wyum, Vice Chairman

Wendy Willprecht, Secretary/Treasurer