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SARGENT COUNTY WATER RESOURCE DISTRICT

Meeting Minutes

Thursday, June 19th, 2025 at 8:00 a.m.

The Sargent County Water Resource District met on Thursday, June 19th, 2025, at 8:00 a.m., in the water resource district board room at the Sargent County Courthouse in Forman, North Dakota. The following Board members were present: Chairman Luke Siemieniewski, Todd Stein, Bruce Speich, Roger Zetocha and Michael Wyum. Also present were Wendy Willprecht Secretary/Treasurer, Nathan Trosen, Moore Engineering, landowner Richard Ruch, landowner Larry Dahl and Sargent County Commissioner, Lyle Bopp. The following were also present: Sean Fredricks, Katie Schmidt, and Stephen Hilfer, Ohnstad Twichell, appeared virtually; and Leon Mallberg.

Minutes

Manager Wyum moved to approve the May 15th, 2025, meeting minutes. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

Bills

The Board considered the following bills:

Ohnstad Twichell- permits/mtgs. \$1751.00; acquisition prep \$32.00; Throener permit \$613.88; Drain No. 7-walking path \$784.00

Total: \$3,180.88

Moore Engineering-Silver Lake Dam-design \$7,827.50; Mtgs. \$1912.50; Permits- Intermountain/DVEC \$900.00; Mileage-\$128.80; Drain No. 8-studies/reports \$6,236.25; Tewaukon Watershed-mtgs./dam safety \$1,012.50

Total: \$18,017.55

Jerry's Backhoe Service-Drain No. 9-beavers \$320.00; Drain No. 11-beavers \$120.00

Total: \$440.00

Lakes Area Jetting, LLC-Televised dams (Brummond-Lubke, Nelson, Frenier)

Total: \$3,800.00

Manager Speich moved to approve the bills as presented. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

UNFINISHED BUSINESS:

Drain No. 11:

Manager Stein said there are corn stalks on the north and south ends of the drain. He added that landowner Rick Bosse said there are volunteer cottonwoods along the drain as well. The Managers will look at the drain on next week's tour to further evaluate.

Drain No. 4: No update.

Drain No. 2:

1. There is no update from County Road Supervisor, Tim Faber, regarding the rip rap project.

Drain No. 7:

Chairman Siemieniewski noted that Sargent County installed two culverts on CR-14 by the church, approximately 3 miles downstream of Drain 7's outlet. Sediment is building up as a result. However, he suggested that the natural drain still needs a clean out about 1 mile to the west. The Board cannot utilize Drain 7 dollars for that type of activity, as it is outside of the Drain footprint.

Siemieniewski said that the Cayuga Crossing would be improved by a cleanout. He added that the ditches are the problem, and as a result, it affects township roads. Manager Zetocha said that soft roads create a safety issue.

Commissioner Bopp requested the SCWRD get on the agenda for next month to explain the current situation to the full Commission. The parties could explore a joint cleanout project. The Board could not utilize Drain 7 funds for that type of project but could utilize general fund dollars.

Siemieniewski will also reach out to the townships to see if they would be willing to participate in the project.

Walking Path: Willprecht will forward a copy of the access agreement drafted by Attorney Fredricks to the City of Milnor for their review.

Trosen said that the Tewaukon Wildlife Refuge holds easements along Drain No. 7, in Section 13 of Milnor Township. Intercept culverts are in place and the Refuge has requested the culverts be plugged to stop their easement area from draining into Drain 7. Moore will inspect and report back to the Board.

Drain No. 9 Extension:**Larry Dahl:**

Landowner Larry Dahl approached the board in regards to the proposed extension project of Drain No. 9. Dahl owns land at the end of Drain No. 11. Dahl claims that a project to Drain No. 9 will not help his drainage. Trosen explained that, at the public meeting next week, Moore will present the preliminary design of the project and will provide information regarding potential downstream issues. Trosen explained the proposed Drain 9 project, with a ten-year design, will actually retain water during events and will actually improve conditions downstream under certain conditions. Trosen noted the project has proposed alignment that was requested by the landowners that goes through Carlson Slough. The NRCS will want to keep the elevation of the slough similar to what it is today under normal conditions but an upstream extension would allow farmers to improve their drainage to the slough. When a certain elevation is met, overflow will go into Drain No. 9. Trosen said that Moore Engineering conducted a preliminary wetland determination and found a water surface elevation for the slough that may be acceptable to NRCS. Moore also updated the grading upstream of the slough to accommodate the estimated wetland determination elevation.

A public information meeting has been set for June 25th, 2025 at the Cogswell Hall at 1:00 p.m.

Drain No. 9: No update.

Wild Rice River Maintenance District:

Trosen will show the profile for this project at the June 25th, 2025 public input meeting.

Drain No. 8:

Trosen indicated Moore has completed a survey of the entire town of Rutland. The survey showed the areas of the City that drains into Drain 8. Manager Wyum noted that landowners did not want an open ditch in previous designs. Trosen recommended a public informational meeting to discuss options with members of the Drain 8 assessment district.

Manager Wyum will reach out to the City of Rutland and see if the District can hold a public informational meeting after their August city council meeting in Rutland on August 4 at 7:00 p.m.

Manager Stein moved to direct Moore Engineering and Ohnstad Twichell to prepare and send out notices of the Drain 8 assessment district regarding a public informational meeting on August 4, 2025, at 7:00 p.m.

Manager Wyum seconded the motion. Upon roll call, the motion carried unanimously.

Cogswell Tile:

The NDDES has this project on its final review list but has not yet approved cost-share.

Drain No. 12: No update.

Short Foot Creek:

Trosen said Moore Engineering is coordinating with the NRCS to complete the draft watershed plan.

Silver Lake Dam:

1. Trosen indicated Moore is nearly ready to submit the construction permit for the proposed erosion protection improvements to Silver Lake Dam. A motion was made by Manager Wyum and seconded by Manager Speich to submit the construction permit to DWR. Upon roll call, the motion carried unanimously.

Tewaukon District:

Lakes Area Jetting televised the principal spillway conduits of Nelson, Brummond-Lubke, and Frenier Dams. Upon review of the video Moore Engineering found a couple potential issues in the pipes at Nelson Dam and Frenier Dam. It was noted that Nelson Dam has a potential crack in the top of the pipe. A motion was made by Manager Speich and seconded by Manager Wyum to direct Moore Engineering to inspect the pipe. Upon roll call, the motion carried unanimously.

Trosen noted that there appears to be a large branch lodged in the inlet to Frenier Dam.

Dam EAP Update: The State Water Commission has not yet approved cost-share for the Nelson and Brummond-Lubke dams. The cost-share was submitted for these projects earlier this week. Trosen noted that he anticipates the State Water Commission will consider these cost-share requests before the Board's July meeting.

Drain Tour

The managers will inspect the east half of the county (RS1, Drains No. 2, 7, 8, 12 and dams) after today's meeting, and the west half of the county (Drains No. 11, 9 & 4) on June 25th.

NEW BUSINESS:

Public Comment Process at Meetings-Resolution of Policy- The Legislature approved SB 2180 this session, a bill that will require water resource districts (along with cities, counties, school districts, and park districts) to include a "public comment" period at each regular meeting. The bill allows WRDs to develop and implement a policy for this process, including rules for time limits on speakers, rules that require speakers to submit their personal information in advance of a meeting, rules that limit the topics to items on the current or immediately previous meeting agenda, etc. The statute will go into effect August 1. Manager Speich moved to approve the Resolution of Policy drafted by Attorney Fredricks. Manager Stein seconded the motion. Upon roll call, the motion carried unanimously.

Application to Install a Subsurface Water Management System No. 2025-03 for Mary Beth Anderson in the East Half of the Northwest Quarter of Section 14 and the East Half of Section 14 in Weber Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-03* filed June 12, 2025, by Applicant Mary Beth Anderson. Under the Application, Applicant seeks to install a 95-acre drain tile system in the East Half of the Northwest Quarter of Section 14 and the East Half of Section 14 in Weber Township, Sargent County, North Dakota. The project will include four gravity outlets, all in the East Half of Section 14; all four of the outlets will discharge directly into a tributary of the Wild Rice River.

According to Sargent County tax parcel data supplied by Applicant, the Charles M. & Mary Beth Anderson Trust owns the East Half of the Northwest Quarter of Section 14, the Southwest Quarter of Section 14, the Southeast Quarter of Section 14, and the South Half of the Northeast Quarter of Section 14 in Weber Township; and Jon Anderson owns the North Half of the Northeast Quarter of Section 14. Because the project will discharge directly into a natural watercourse, no downstream notices are required under N.D. Cent. Code § 61-32-03.1.

Manager Wyum moved, and Manager Zetocha seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-03* filed June 12, 2025, for Mary Beth Anderson in the East Half of the Northwest Quarter of Section 14 and the East Half of Section 14 in Weber Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-03, 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 tributary of the Wild Rice River in the East Half of Section 14.
3. 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 East Half of the Northwest Quarter of Section 14 and the East Half of Section 14 in Weber Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
4. Applicant will apply for an amendment to Subsurface Water Management Permit No. 2025-03 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 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 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.

The Board will provide copies of the Board's Notice of Decision and Subsurface Water Management Permit No. 2025-03 to the Department of Water Resources, Jon Anderson, Weber Township, and Southeast Water Users District. Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

OLD BUSINESS:

Joint Board Agreement

Last fall the Dickey-Sargent Joint WRD asked DWR if they would permit the Dickey-Sargent Joint WRD to consider and approve surface drain permits that discharge into or otherwise impact the Jackson and Lovell Drains. Under state law, the WRD with the majority of the land impacted by a surface drainage project must consider and approve a surface permit but the state considered the Dickey-Sargent Joint WRD's request and indicated they would permit the change to allow Dickey-Sargent to consider and approve those permit applications as long as Dickey and Sargent modify the Dickey-Sargent joint board agreement to give Dickey-Sargent that specific authority.

Attorney Fredricks prepared the proposed language for a new Joint Powers Agreement and submitted the language to DWR for their review and they have since signed-off on the language. A motion was made by Manager Zetocha and seconded by Manager Speich to approve the new Joint Powers Agreement. Upon roll call, the motion carried unanimously.

Dickey-Sargent Joint Board

DSJTB bills for approval:

DVEC - electricity -	\$	156.00
Ohnstad Twichell-Corp. research/correspondence		
/meetings	\$	1617.00
Moore Engineering-meeting	\$	112.50

A motion was made by Manager Stein and seconded by Manager Wyum to approve the Dickey-Sargent bills. Upon roll call, the motion carried unanimously.

April 2025 Financials:

Maintenance Account Balance:	\$ 55,592.57
Improvement Account Balance:	\$340,478.77

Richland-Sargent Drain #1 Maintenance Fund Financial Statement

1) Bills:

Ohnstad Twichell-correspondence/conference	\$	922.50
Moore Engineering-petition/maps/ROW	\$	1,005.00

<u>April 2025 Financials:</u>	\$ 492,751.65
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2) RS1 Drain-

Larson Helicopter: Chairman Siemieniowski said that Larson Helicopter was spraying the RS1 Drain last week. The water was out of its banks. Larson said that the drain was fine. Siemieniowski rode in the helicopter when Larson was inspecting the drain and Siemieniowski did not think it should be sprayed at that time due to the high water. The Chairman asked Larson to call the SCWRD next time before spraying. He said the board will pay for the spraying this time, but improved communication is a must. Siemieniowski said that we may need to look at drone spraying in the future.

With no further business, the meeting adjourned at 9:52 a.m.

APPROVAL:

Luke Siemieniewski, Chair

ATTEST:

Wendy Willprecht
Secretary-Treasurer