

SARGENT COUNTY WATER RESOURCE DISTRICT
Meeting Minutes
Thursday, July 17th, 2025 at 8:15 a.m.

The Sargent County Water Resource District met on Thursday, July 17th, 2025, at 8:15 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, Vice-Chairman Michael Wyum, Todd Stein, Bruce Speich, and Roger Zetocha. Also present were Wendy Willprecht Secretary/Treasurer, Nathan Trosen, Moore Engineering, landowner Richard Ruch, landowner James Martinson and Larry Moxness, Sargent County Road Supervisor Tim Faber and Sargent County Commissioner, Lyle Bopp. The following were also present virtually: Sean Fredricks, Katie Schmidt, and Stephen Hilfer, Ohnstad Twichell; Joel Quanbeck and Megan Burns of KLJ Engineering; and Leon Mallberg.

Minutes

Manager Wyum moved to approve the June 19th regular meeting minutes, the June 19th Drain Tour minutes, the June 25th Drain Tour minutes, the June 25th Drain No 9 Extension-Wild Rice River Public Information meeting minutes and the May 2025 financial statement. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

Bills

The Board considered the following bills:

Ohnstad Twichell- bond fund status/SB2180
Resolution/Mtgs./Correspondence/Anderson Tile App. \$617.85
Total: \$1,954.03

Moore Engineering-Silver Lake Dam-technical specifications \$3,490.25;
mts./correspondence/calls/field delineation \$2295; Vculek permit #6644 \$225;
mileage \$128.80; Wild Rice Maintenance District-mtgs./input mtg./channel
profile \$3,045; Drain No. 9 Channel Ext.-mtgs./mapping/cost-estimate
\$9,182.50; SFC-coordination with NRCS \$225; Drain No. 4-drain tour \$168.75;
Drain No. 8-watershed delineation/flow path maps/mtgs. \$8,793.40; Drain No.
9-drain tour \$225.00; Drain No. 11-drain tour \$112.50; Tewaukon Watershed-
cost-share requests/EAP updates \$2,467.50
Total: \$30,808.70

Red River Basin Commission-dues **Total: \$1,735.50**

Bliss Law Firm-professional services **Total: \$245.00**

Sargent County-Marbo Twp. culvert (1/3 cost-share) **Total: \$768.00**

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

UNFINISHED BUSINESS:

Drain No. 11:
Manager Stein said Garrett Hayen would like to replace a culvert on a private crossing north of Ptaceks. The original culvert was washed out some years ago. It is not a section line crossing. Ptaceks had paid to put the culvert in years ago. The culvert was said to be 60”-72”. The Waterboard said that Hayen will need to discuss the project with Ptaceks and suggested that the culvert would need to include erosion protection on both sides. Chairman Siemieniewski said if/when future phases of Drain No. 11 were to occur, the culvert may need to be taken out at Hayen’s expense, as it could inhibit any Drain project. The Waterboard suggested looking into making the crossing into a Texas Crossing. Manager Stein will have Hayen reach out to Trosen about a Texas Crossing and then Stein will follow up with Hayen.

Drain No. 4:
During the drain tour, it was noted that the Drain had a lot of cattails in the channel. It is tricky to spray this area because the Drain flows through the city of Forman. Trosen asked the Board if they would want to use a drone to do the spraying. Trosen said he will obtain a quote from a drone spraying company for cattail and tree spraying on Drains throughout the County.

Drain No. 2:
No up-date.

Drain No. 7: Chairman Siemieniewski to follow up with Tewaukon Refuge staff regarding intercept culverts along their easement area.

Natural Outlet: Larry Moxness and James Martinson approached the board to discuss the channel downstream of Drain 7. There is a natural channel that runs approximately 7-8 miles before ultimately discharging into the Wild Rice River.

Trosen presented a map showing potential jurisdictional wetlands in Sections 21 & 28 of Hall Township. If a cleanout were to happen excavated sediment could not be placed within these wetlands.

Moxness and Martinson questioned whether the clean out would make any difference in the flow. Chairman Siemieniewski said he had talked with landowner Paul Mund who said there are a couple of plugged areas along the drain. Siemieniewski said he would inspect the area.

Moxness and Martinson said they feel the biggest clean out benefit would come from upstream. Siemieniewski said that a clean out would help keep water off of County Rd. 12 over by Cayuga.

Moxness and Martinson would like to see the rest of the natural outlet sprayed to see if the flow would improve. They added that if the flow did not improve, the parties could discuss other options.

Attorney Fredricks said that the SCWRD cannot use Drain No. 7 assessment funds for this type of project. The landowners will privately hire someone to do the spraying. They will keep the Board posted.

Drain No. 9 Extension: A public information meeting was held on June 25th, 2025 at the Cogswell Community Center. A large majority of the landowners want to continue moving forward with the current proposed project.

Drain No. 9: During the drain tour it was noted that there are cattails that need to be sprayed and large trees within the channel that need to be removed. Chairman Siemieniewski said he will contact Marshall Braaten to have him check out the Drain as Braaten will be in the area working on other county projects.

Wild Rice River Maintenance District: A public information meeting was held on June 25th, 2025 at the Cogswell Community Center to discuss the possibility of creating an assessment district to fund maintenance. A majority of the landowners want to continue moving forward with the current proposed project.

Drain No. 8:

Manager Wyum has received questions regarding whether local farmers could take over this Drain. The county ROW would need to be permitted and landowners would need to work with the county for this to happen. Chairman Siemieniewski asked if the County could seek federal aid if the county road does not have a 4:1 backslope. Commissioner Bopp was in attendance and will verify the backslope of this road. Trosen said that until the study for this Drain is done, Moore Engineering can only provide a rough estimate of the cost of the proposed Drain improvement. The Water Resource District is receiving 75% cost-share for this Drain study through the NDDes. The Board has scheduled a public informational meeting in Rutland on August 4. Chairman Siemieniewski told Commissioner Bopp that it would be important for someone from the Commission to be at the public information meeting. Administrator Willprecht will send Auditor Bopp a note about having a Commissioner in attendance.

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: No update.

Silver Lake Dam:

Trosen indicated Moore is nearly ready to submit the construction permit for the proposed erosion protection improvements to Silver Lake Dam.

Moore Engineering will reach out to Silver Lake Park Manager to discuss options on potentially incorporating a fence into the project.

Tewaukon District:

Emergency Action Plans (EAPs) for both Brummond-Lubke and Nelson Dams are due to be updated. Cost-share agreements to do so were approved by the State Water Commission on 7/7/25. A motion was made by Manager Zetocha and seconded by Manager Wyum to authorize Chairman Siemieniewski to sign the SWC cost-share agreements. Upon roll call, the motion carried unanimously.

NEW BUSINESS:

Red River Joint Water Resource District:

Vice-Chairman Wyum attended the latest RRJWRD meeting and provided updates on cost-share for retention projects.

KLJ Engineering: Sargent County Multi-Hazard Mitigation Plan Discussion:

The Sargent County Multi-Hazard Mitigation Plan is due to be updated by February 2026. Part of the update requires stakeholders within the county to be asked about what they believe are the biggest threats, hazards and risks. Examples fall into categories such as natural, technological, adversarial, etc. Maintaining this plan allows for the county to continue to be eligible for federal funding opportunities. After the threats, hazards and risks are identified, the county needs to identify the County's ability to handle situations and address impacts.

Following this meeting, Emergency Manager Willprecht will forward a survey to the Board Managers to complete, asking them to assess risks that they identify, and possible mitigation actions.

During today's discussion, it was mentioned that roads and bridges are two of the concerns of the Board. Some specific concerns mentioned included road crossings, Meszaro Slough, township roads and the County Rd. along Drain No. 8.

OLD BUSINESS:**Red River Joint Water Resource District: 2026 Budget Request:**

This request has not yet been considered or approved by the Sargent County Commission.

Application For Surface Drain No. 6644 for Brian Vculek in the North Half of Section 5 of Denver Township

The Board reviewed the RECORD OF DECISION issued by the Department of Water Resources ("DWR") regarding APPLICATION FOR SURFACE DRAIN NO. 6644 for Applicant Brian Vculek. Under APPLICATION NO. 6644, Applicant seeks to construct a number of surface drains in the North Half of Section 5 in Denver Township. The surface drainage will flow south, into a pipeline that will run to the east, along the south boundary of the North Half of Section 5; the pipeline will run under Sargent County Road No. 2 and into the Northwest Quarter of Section 4; the pipeline will ultimately discharge into a pond, lake, or slough in the West Half of Section 4. The permitted drain improvements under APPLICATION NO. 6644 will include 24,400 feet of ditch improvements; a maximum bottom width of 12 feet; a maximum cut of 3 feet; and 4:1 side slopes. The pipe will vary in diameter between 24 inches and 30 inches. The project is within the Drain 11 watershed and the discharge will ultimately flow into Drain 11.

According to Sargent County records, Applicant Brian Vculek owns the North Half of Section 5 in Denver Township, where Applicant intends to construct the surface drainage improvements. Further, according to Sargent County records, Jordan and Amanda Geffre own Government Lots 3 and 4, the South Half of the Northwest Quarter of Section 4, and the North Half of the Southwest Quarter of Section 4 in Denver Township. In October of 2024, the Geffres and Brian Vculek entered into an agreement entitled: "Drainage Agreement, Easement, and Right-of-Entry"; under that agreement, the Geffres granted Mr. Vculek the right to install a pipeline and other drainage improvements on their property.

DWR's RECORD OF DECISION indicates that, in accordance with N.D. Admin. Code §§ 89-02-01-08 and 89-02-01-09, DWR conducted a "statewide or interdistrict significance" review of the proposed ditch improvements and DWR ultimately concluded the application does not propose drainage of "statewide or interdistrict significance." In light of DWR's findings, DWR forwarded APPLICATION NO. 6644 to the Board for processing in accordance with Section 89-02-01-09.1(2) of the North Dakota Administrative Code, via DWR's RECORD OF DECISION.

Under Section 89-02-01-09.1(2), once the Board receives the RECORD OF DECISION, the Board's first step is to determine if "public and private interests would be better served by a specific public meeting to consider the project." In this case, Applicant has already entered into an agreement with the downstream party regarding installation and maintenance of pipeline components on their property and regarding the project outlet.

When DWR conducted its "statewide or interdistrict significance" solicitation of views, the U.S. Army Corps of Engineers indicated Mr. Vculek's project might require a 404 permit. The North Dakota Game & Fish indicated the following in response to DWR's solicitation of views:

The Department cannot support the project as proposed due to loss of aquatic habitat associated with the wetland drainage.

The Board will provide copies of the Board's NOTICE OF DECISION regarding APPLICATION FOR SURFACE

DRAIN NO. 6644 to the North Dakota Game & Fish, as required by law. To the extent the North Dakota Game & Fish wishes to address its concerns, Game & Fish can pursue any remedies available to the Department under North Dakota law or otherwise approach Mr. Vculek separately. Addressing habitat issues is outside the Sargent County Water Resource District's purview in terms of the Board's obligations to consider surface drain applications under N.D. Cent. Code § 61-32-03.

The Board will require Applicant to obtain permission from the Sargent County Highway Department to install pipeline components within the Sargent County Highway Department's right of way. Further, the Board does not anticipate adverse downstream impacts as a result of the project. With those issues in mind, the Board concluded a formal hearing was not necessary.

Under Section 89-02-01-09.2 of the Administrative Code and Section 61-32-03 of the North Dakota Century Code, the Board must ultimately determine if the project will result in downstream impacts and, if so, the Board must require Applicant to obtain downstream flowage easements from impacted downstream parties as a condition to any approval of Application No. 6644, under Section 61-32-03. In this case, Applicant has already obtained an easement from the Geffres.

Nathan Trosen reviewed potential impacts as an aspect of his consideration of the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code. In his responses to the eight elements under Section 89-02-01-09.2, Mr. Trosen provided, in relevant part:

1. The water volume proposed to be drained and its impact upon the watercourse into which it will be drained.

The proposed project will creation of surface drain ditches that drain into a new 24" & 30" buried pipe to serve as an outlet for agricultural runoff and surface water. The drainage area for the project has been estimated at approximately 150 acres outlets and is upstream of the headwaters of the legal assessment Drain No. 11 which ultimately drains into the Wild Rice River. Therefore, no significant downstream impacts are expected due to water volumes as a result of the proposed project.

2. Adverse effects that may occur to downstream landowners. This factor is limited to the project's hydrologic effects, such as erosion, flood duration, sustained flow impacts, and downstream water control device operation impacts.

The proposed area to be drained is included in the watershed of Drain No. 11. The impacts downstream will be minimal due to the size of the drainage area of the proposed project. The discharge will be attenuated due to the capacity of its outlet 30" pipe. Therefore, the proposed project is not expected to have adverse flooding or erosion related effects to downstream landowners.

Mr. Trosen ultimately concluded the project will not likely result in any adverse flooding or erosion conditions downstream. The Board concurred with Mr. Trosen's conclusions. Further, again, Applicant has already obtained an easement from the Geffres. With this in mind, the Board concluded the project will not result in adverse impacts.

Manager Wyum moved, and Manager Zetocha seconded the motion, to adopt Moore Engineering's responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code; to conclude no hearing is necessary to consider the Application; to conclude the project will not result in adverse downstream impacts; and to approve APPLICATION FOR SURFACE DRAIN NO. 6644 for Applicant Brian Vculek, subject to the conditions attached by the Department of Water Resources, and subject to the following conditions:

1. Applicant will not construct or improve the drain in any manner that exceeds the dimensions indicated in the Application.
2. Applicant will obtain written permission from the Sargent County Highway Department to construct, operate, and maintain any pipeline components or any other portions of the surface drain within the Highway Department's County Road 2 right of way.
3. Applicant will notify the Sargent County Water Resource District in advance of any proposed improvements to the drain, including any increase in the capacity or drainage area affected, and, if necessary, submit an additional permit application.

Upon roll call vote, the motion carried unanimously.

In addition to those conditions, the Board recommends that Applicant obtain all other necessary and requisite licenses, permits, registrations, and approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Sean Fredricks will prepare the NOTICE OF DECISION and provide the NOTICE OF DECISION and a copy of the permit to parties of record, as required by law.

Dickey-Sargent Joint Board

DSJTB bills for approval:

DVEC - electricity -	\$	156.00
Ohnstad Twichell-JPA	\$	614.00
Moore Engineering-	\$	

May 2025 Financials:

Maintenance Account Balance:	
\$ 55,426.50	
Improvement Account Balance:	\$344,240.74

Richland-Sargent Drain #1 Maintenance Fund Financial Statement

- 1) **Bills:**

Ohnstad Twichell-Supreme Court decision	\$	492.00
Moore Engineering-Mtgs./Review of ROW/ cost-estimates	\$	605.00
Larson Helicopter, LLC-spraying	\$	4,561.95
<u>May 2025 Financials:</u>	\$	492,639.72
- 2) The permit for this project has expired. To date we have not used any of the construction cost-share dollars that we were allocated through the DWR. At the next RS1 meeting, the joint board will need to discuss whether or not to deobligate the cost-share funding.

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

APPROVAL:

Luke Siemieniewski, Chair

ATTEST:

Wendy Willprecht
Secretary-Treasurer