

These are DRAFT minutes, subject to amendment before final approval by the Sargent County Water Resource District.

SARGENT COUNTY WATER RESOURCE DISTRICT

Meeting Minutes

Thursday, September 18th, 2025 at 8:15 a.m.

The Sargent County Water Resource District met on Thursday, September 18th, 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 (appeared virtually), Bruce Speich, and Roger Zetocha. Also present were Wendy Willprecht Secretary/Treasurer, and Nathan Trosen, Moore Engineering, Sargent County Road Supervisor Tim Faber and landowners Edwin and Logan Erickson and Richard Ruch. The following were also present virtually: Sean Fredricks, and Stephen Hilfer, Ohnstad Twichell; Arv Burvee, Manager of RSI Joint Board, and Leon Mallberg.

Public Comment: None

Minutes

Manager Wyum moved to approve the August 21st, 2025 regular meeting minutes and the July 2025 financial statement. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

Bills

The Board considered the following bills:

Ohnstad Twichell- Martinson App. \$1,008; State Bond App./Bd. Mtg. \$541.50;
Drain No. 8-correspondence/phone conference/meeting mailing \$562.13
Total: \$2,111.63

Moore Engineering- EAP updates-Nelson Dam \$956.25/Brummond Lubke Dam \$1,605;
Prep/attend bd. mtg. \$2,056.25; mileage \$128.80; Drain No. 8- Public Info.
Mtg. & follow-up \$3,021.75; Drain No. 9- Research land rights \$655.00
Total: \$8,423.05

Starion Bond Services-Drain No. 7- 2022C Fees \$490-Interest \$7500/ 2022D Fees \$490-Interest \$3100; Drain No. 11- 2022A Fees \$490-Interest \$11,817.50; 2022B Fees \$490-Interest \$2,716.25; Drain No. 12- 2020A Fees \$490-Interest \$315. 2020B Fees \$490-Interest \$247.50
Total: 28,363.25

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:

The Sargent County Commission previously provided a payment to the Board as reimbursement for the road crossing improvements. The Commission's reimbursement was approximately \$120,000, exactly \$50,000 short of the County's share. However, the Commission approved that \$50,000 in the Commission's approval of the Board's general fund budget for the year. The Sargent County Auditor's office indicated the Board should submit a voucher for the \$50,000 from the Board's general fund approval from the Commission. Manager Stein moved, and Manager Speich seconded the motion, to submit a request for \$50,000 from the bridge/culvert fund to be deposited into the Drain No. 11 fund. Upon roll call, the motion carried unanimously.

Chairman Siemieniewski said that weather permitting, the cattails along the drain will be sprayed within the next 10 days. The spray should help kill off the small trees as well.

Drain No. 4:

No up-date.

Drain No. 2:

No up-date.

Drain No. 7: There is a small erosion area along the bank of the Drain north of Milnor. Sargent County Road supervisor Tim Faber said that the county is waiting for the crop to be harvested, and will then install the rip rap to repair the erosion.

Drain No. 9 Extension: This project is currently on hold.

Chairman Siemieniewski, Manager Wyum and Trosen of Moore Engineering met with landowners, Larry Dahl, Ben Reisenweber, Dave and Kim Rassmussen to explain the drain project in more detail and to provide the opportunity for Mr. Dahl to further explain his concerns with the Extension. Dahl is concerned that the extension project being proposed upstream would result in more water on his property. The District directed Trosen to send Dahl a follow-up letter to explain the project in more detail and to address some of Mr. Dahl's concerns.

Drain No. 9:

Levi Hanson of Moore Engineering researched ownership of the duck ponds in the Drain No. 9 watershed. Levi found easements for the duck ponds belonging to the SCWRD. Trosen sent the easements to Attorney Fredricks to review. Fredricks said he is reviewing the easements and researching applicable law. The easements date back to 1965.

Landowner Richard Ruch asked if there was a chance to get a bid to get the bigger cottonwood trees removed out of the drain.

There was discussion about installing a box culvert on County Road 5. If the current project that is being discussed were to be voted down, looking at a box culvert installation may be an alternative.

The Board also discussed other options, including addition of a pump or construction of a dam at the outlet. Trosen noted pumps could be an option but they would not likely provide the benefits the landowners anticipate.

Siemieniewski asked if adding a 36" culvert on County Road 5 at the right elevation would make an impact, lowering the head pressure. Tim Faber said that he would need to discuss the idea with the Commission. Siemieniewski asked Trosen to determine what size culvert would be appropriate and to present his findings to the Sargent County Commission. Trosen said Moore will utilize the work done previously on the Drain to prepare a Hydraulic Evaluation Report of the crossing to determine the necessary culvert sizes to meet ND stream crossing standards would need to be met.

A motion was made by Manager Speich and seconded by Manager Zetocha to direct Trosen to conduct the report. Upon roll call, the motion carried unanimously.

Wild Rice River Maintenance District: This project is currently on hold.

Drain No. 8:

A public information meeting took place at the Rutland City Hall on August 4th, 2025. A majority of those in attendance indicated their support for the project and agreed the Board should proceed with the proposed study that will identify and analyze options for improving the drain. At the August 4th meeting, a landowner had suggested reaching out to Ellingson Drainage to consider a pump option. Trosen said he will reach out to Ellingson to further explore the gravity pipe alternative.

Cogswell Tile:

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

Drain No. 12: No update.

Short Foot Creek: Trosen reported that the NRCS is completing updates to the environmental components of the project which is needed to submit the final plan.

Silver Lake Dam:

Trosen said that the plans are complete and he expects to submit the construction permit in the next week. Once the permit is approved, the district can apply for cost-share through the RRJWRD & the DWR.

Tewaukon District:

The Emergency Action Plans (EAPs) for both Brummond-Lubke and Nelson Dams are complete. Manager Zetocha asked Trosen to include additional radio stations for communication to the plan. Trosen said that there is an EAP requirement of conducting a table top exercise that involves potential stakeholders (sheriff's office, EMS, Fire, etc.). We will set a date for this exercise at the October meeting. The focus of the exercise will be developing communications.

A motion was made by Manager Zetocha and seconded by Manager Wyum to approve the EAP's for Brummond-Lubke and Nelson Dams with the addition of adding radio stations. Upon roll call, the motion carried unanimously.

NEW BUSINESS:

Erickson Culvert Cost-Share

Erickson has started a project along County Rd. 1. Water is flowing in the ditch which has begun to reshape the ditch. Edwin Erickson said that one of the culverts along 137rd Ave., east of Ryan Hanson's property, is shot and he would like to move it and increase the size of it. Erickson would like to move the culvert location closer to the driveway and requested cost-share for the culvert.

Attorney Fredricks noted that the Board's cost-share policy allows reimbursement requests from a township, not a landowner. Also, under state law, the Board cannot provide cost-share to private parties.

Chairman Siemieniewski said that if the township pays for the culvert, the district can cost-share with the township. Siemieniewski added that the district doesn't cost-share field access culverts.

Application to Install a Subsurface Water Management System No. 2025-06 for Trevor Stockstad in the East Half of Section 9, the Southwest Quarter of Section 10, the Northwest Quarter of Section 15, and the Northeast Quarter of Section 16 in Shuman Township

The Board next reviewed Application to Install a Subsurface Water Management System No. 2025-06 filed September 12, 2025, by Applicant Trevor Stockstad. Under the Application, Applicant seeks to install a 350-acre drain tile system in the East Half of Section 9, the Southwest Quarter of Section 10, the Northwest Quarter of Section 15, and the Northeast Quarter of Section 16 in Shuman Township, Sargent County, North Dakota. The system will require installation of pipelines under County Road 10 and 141st Avenue SE. The project will include five outlets, as follows:

1. The project will include three gravity outlets in the Northeast Quarter of Section 9, all near the east boundary; all three outlets will discharge directly into a slough or lake that straddles the Northeast Quarter of Section 9 and the Northwest Quarter of Section 10. According to Sargent County tax records, Trevor Stockstad owns the East Half of Section 9, the property Applicant intends to tile. Cheryl M. Pearson and Randy L. Pearson, as Trustees of the Cheryl M. Pearson Living Trust, own the Northwest Quarter of Section 10.
2. The project will include a gravity outlet in the Northwest Quarter of Section 15 that will discharge to the southwest; the discharge will flow across portions of the East Half of Section 15 until flowing into Crooked Creek. Stockstad Properties, LLLP, owns the Northwest Quarter of Section 15, the property Applicant intends to tile. With regard to downstream properties, Daniel and Karen Krause own the Northeast Quarter of Section 15 and the South Half of the Southeast Quarter of Section 15, and Janise Duncan owns the North Half of the Southeast Quarter of Section 15. Once the tile discharge flows into Crooked Creek, no additional downstream notices are necessary under N.D. Cent. Code § 61-32-03.1.
3. The project will include a pump outlet in the southeast corner of the Southwest Quarter of Section 10; the pump will discharge into the north road ditch along County Road 10; the discharge will flow to the east, in the north road ditch, along the south boundary of the Southeast Quarter of Section 10 and the Southwest Quarter of Section 11. Stockstad Properties, LLLP, owns the Southwest Quarter of Section 10, the property Applicant intends to tile. With regard to downstream properties, Sharon Brekke owns the Southeast Quarter of Section 10 and Stockstad Properties, LLLP, owns the Southwest Quarter of Section 11.

Manager Speich moved, and Manager Wyum seconded the motion, to approve Application to Install a Subsurface Water Management System No. 2025-06 filed September 12, 2025, for Trevor Stockstad in the East Half of Section 9, the Southwest Quarter of Section 10, the Northwest Quarter of Section 15, and the Northeast Quarter of Section 16 in Shuman Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-06, 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 County Highway Department's Highway 10 right of way.
3. With regard to the pump outlet that will discharge into the County's Highway 10 road ditch, Applicant will 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 the outlet, in accordance with N.D. Cent. Code § 61-32-03.1.
4. With regard to the gravity outlet in the Northwest Quarter of Section 15, Applicant will remove silt or vegetation, or repair erosion or scour damages directly caused by Applicant's tile system, but only up to the point where the tile discharge flows into Crooked Creek, in accordance with N.D. Cent. Code § 61-32-03.1.

5. 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.
6. 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 Section 9, the Southwest Quarter of Section 10, the Northwest Quarter of Section 15, and the Northeast Quarter of Section 16 in Shuman Township under any blanket easements, or otherwise beyond the Water District’s existing easement(s).
7. Applicant will apply for an amendment to Subsurface Water Management Permit No. 2025-06 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 conditions #3 and #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 downstream landowners or road authorities that Applicant’s tile system directly caused accumulation of silt or vegetation, erosion, or scouring, all in accordance with N.D. Cent. Code § 61-32-03.1.

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 Shuman Township Board of Township Supervisors to install any pipelines or other project components within any of the Township’s road right of way.
2. The Board recommends that Applicant obtain written consent from the Sargent County Highway Department to install any pipelines or other project components within any of the County’s right of way.
3. The Board recommends that Applicant obtain written consent from the Sargent County Highway Department to discharge into the County’s right of way.
4. 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.

Fredricks will provide copies of the Board’s Notice of Decision, Subsurface Water Management Permit No. 2025-06, and Applicant’s downstream flow map to the Department of Water Resources, Shuman Township, Southeast Water Users District, Cheryl M. Pearson and Randy L. Pearson, Sharon Brekke, Daniel and Karen Krause, and Janise Duncan. Applicant’s detailed project design map is an exempt record, and Fredricks will not provide copies to any third parties.

Application to Install a Subsurface Water Management System No. 2025-05 for Chris Pearson in the North Half of Section 10 and the Southwest Quarter of Section 3 in Shuman Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-05* filed September 5, 2025, by Applicant Chris Pearson. Under the Application, Applicant seeks to install a 264-acre drain tile system in the North Half of Section 10 and the Southwest Quarter of Section 3 in Shuman Township, Sargent County, North Dakota. The project will include four gravity outlets. The system in the North Half of Section 10 in Shuman Township will include three gravity outlets; all three outlets will discharge via pipelines that will run from the Northeast Quarter of Section 10 to the north, under 85th Street SE; all three will daylight in the north ditch along 85th Street and will discharge into a slough in the Southeast Quarter of Section 3. The system in the Southwest Quarter of Section 3 will discharge via a pipeline that will run from the east boundary line of the Northeast Quarter of the Southwest Quarter of Section 3 to the east, across a small portion of the of the Northwest Quarter of the Southeast Quarter of Section 3; the pipeline will daylight and discharge into a slough in the Southeast Quarter of Section 3.

With regard to the property Applicant intends to tile, according to Sargent County tax parcel data, Cheryl M. Pearson and Randy L. Pearson, as Trustees of the Cheryl M. Pearson Living Trust, own the Southwest Quarter of Section 3 and the Northwest Quarter of Section 10 in Shuman Township; and Tyler and Betsy Speich own the Northeast Quarter of Section 10. With regard to downstream properties and properties where Applicant intends to install pipelines and outlets, Charles and Linda Spiedel own the South Half of the Southeast Quarter of Section 3; and Sandra A. Spiedel, as Trustee of the Sandra A. Spiedel Trust, owns the North Half of the Southeast Quarter of Section 3. Once the tile discharge flows into sloughs in the Southeast Quarter of Section 3, no additional downstream notices are necessary under N.D. Cent. Code § 61-32-03.1.

Before discussing the merits of the application, the Board conducted a conflict analysis regarding Manager Speich's likely conflict in the matter. Manager Speich's son, Tyler Speich, owns land included in this proposed tile plan. Mr. Fredricks explained the law in North Dakota regarding conflicts, Section 44-04-22 of the North Dakota Century Code, provides the relevant standard. That statute provides:

A person acting in a legislative or quasi-legislative or judicial or quasi-judicial capacity for a political subdivision of the state who has a direct and substantial personal or pecuniary interest in a matter before that board, council, commission, or other body, must disclose the fact to the body of which that person is a member, and may not participate in or vote on that particular matter without the consent of a majority of the rest of the body.

In this case, because Manager Speich's son could be benefitted or impacted by the proposed tile project, Manager Speich has a direct and substantial personal interest in the matter that creates a clear conflict. Manager Zetocha moved to conclude that Manager Speich has a conflict and should not participate in any votes regarding Chris Pearson's tile application. Manager Wyum seconded the motion. Upon roll call vote, Chairman Siemieniewski and Managers Stein, Zetocha, and Wyum voted in favor of the motion. Manager Speich abstained. The motion carried.

There is an additional conflict statute specific to water resource districts, Section 61-16-08.1 of the Century Code, that provides the County Commission with discretionary authority to appoint alternate water managers if a full-time member has a conflict. However, that statute was effectively superseded by Section 44-04-22 when the Legislature adopted Section 44-04-22 in 1995 (Section 61-16-08.1 went into effect in 1985). Section 61-16-08.1 does not provide a definition for what qualifies as a "conflict of interest" and does not provide a mandatory process; rather, the legislative history of Section 61-16-08.1 indicates the Legislature approved that statute to provide a process for water managers to avoid situations where they are not comfortable voting on a matter and is not a mandatory process. Conversely, the process under Section 44-04-22 is mandatory for conflict situations, provides a detailed test for determining if a conflict exists, and provides a detailed process for a Board to proceed even if a conflict does exist. The Legislature enacted Section 44-04-22 after passing the vague and optional Section 61-16-08.1 and, therefore, the process under Section 44-04-22 controls all conflict matters.

With the conflict issue concluded, the Board proceeded with discussion regarding the application.

Manager Wyum moved, and Manager Zetocha seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-05* filed September 5, 2025, for Chris Pearson in the North Half of Section 10 and the Southwest Quarter of Section 3 in Shuman Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-05, 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 sloughs in the Southeast Quarter of Section 3 in Shuman Township.
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 North Half of Section 10 and the Southwest Quarter of Section 3 in Shuman 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. 2025-05 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, Chairman Siemieniewski and Managers Stein, Zetocha, and Wyum voted in favor of the motion. Manager Speich abstained. The motion carried.

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 Shuman Township Board of Township Supervisors to install any pipelines or other project components within any of the Township's road right of way.
2. The Board recommends that Applicant obtain and record easements from the owners of any parcels not owned by Applicant where Applicant will install any project components, including pipelines and outlets.
3. 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.

Fredricks will provide copies of the Board’s Notice of Decision, Subsurface Water Management Permit No. 2025-05, and Applicant’s downstream flow map to the Department of Water Resources; Shuman Township; Southeast Water Users District; Cheryl M. Pearson and Randy L. Pearson; Charles and Linda Spiedel; Sandra A. Spiedel; and Tyler and Betsy Speich. Applicant’s detailed project design map is an exempt record, and Fredricks will not provide copies to any third parties.

Jerry Schneider -- NDDOT Request for Drainage on Highway Right of Way

The Board received an NDDOT Request for Drainage on Highway Right of Way, signed and submitted by Jerry Schneider regarding his proposal to do a “clean out” of 50 yards of road ditch along North Dakota Highway 32 in Section 24 in Whitestone Hill Township.

Fredricks noted that water resource districts only have jurisdiction over work conducted in highway right of way to the extent the work proposed by the Applicant involves drainage improvements that require a state drainage permit under N.D. Cent. Code § 61-32-03. NDDOT recognizes WRDs’ limited jurisdiction over these matters but NDDOT must obtain approvals from water resource districts prior to NDDOT approval of highway right of way improvements by private parties to comply with federal highway rules. With that in mind, NDDOT has requested that water resource districts “approve” their Request for Drainage on Highway Right of Way forms. To address the concerns of water resource districts regarding their jurisdictional limitations, NDDOT indicated to Fredricks that water resource districts could submit the approved forms along with a cover letter that outlines water resource districts’ jurisdiction related to drainage.

In this case, if Schneider’s “clean out” will truly only include a clean out or maintenance of the highway road ditch, and the clean out will not entail more than simply silt and/or cattail removal, Schneider need not obtain any surface drainage permit from the District. However, under Section 61-32-03, if Schneider’s work will include any deepening or widening of the road ditch, the work will require a state surface drainage permit if the watershed area affected is 80 acres or more.

Fredricks prepared a draft cover letter to NDDOT to provide to NDDOT and Jerry Schneider to alert the parties that Schneider’s work could require a surface permit if the work will include any deepening or widening of the ditch.

Manager Stein moved, and Manager Wyum seconded the motion, to approve the NDDOT Request for Drainage on Highway Right of Way submitted by Applicant Jerry Schneider; to authorize Secretary-Treasurer Willprecht to sign the NDDOT Request for Drainage on Highway Right of Way as “approved”; and to direct Sean Fredricks to submit the approved permit to NDDOT along with a cover letter that highlights the limitations of the Board’s jurisdiction and to caution Schneider that he may need a surface drainage permit. Upon roll call vote, the motion carried unanimously.

Dickey-Sargent Joint Board

DSJTB bills for approval:

DVEC - electricity -	\$	391.00
Ohnstad Twichell-Review statutes/ Correspond with DWR	\$	430.00

July 2025 Financials:

Maintenance Account Balance:	\$	52,484.00
Improvement Account Balance:	\$	345,097.22

Richland-Sargent Drain #1 Maintenance Fund Financial Statement

1) Bills:

Ohnstad Twichell-Petition/Supreme Court cases	\$	410.00
Moore Engineering-Develop petition/Estimate SWC cost-share	\$	786.25
John Quandt-spraying	\$	225.00
Lovell Improvement Project-spraying	\$	2,425.81
Starion Bond Services-fees \$490-interest \$16,257.50	\$	16,747.50

<u>July 2025 Financials:</u>	\$	485,053.27
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With no further business, the meeting adjourned at 9:48 a.m.

APPROVAL:

Luke Siemieniewski, Chair

ATTEST:

Wendy Willprecht
Secretary-Treasurer