

*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, May 21<sup>st</sup>, 2026 at 8:00 a.m.**

The Sargent County Water Resource District met on Thursday, May 21<sup>st</sup>, 2026, 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, Vice-Chairman Michael Wyum, Managers Bruce Speich and Roger Zetocha. Also present were Wendy Schmiess Secretary/Treasurer, Nathan Trosen of Moore Engineering, Carol Peterson of the Economic Development Corp. of the City of Milnor and Terry Dusek, Milnor Mayor. The following were also present virtually: Manager Todd Stein, Attorneys Sean Fredricks, Stephen Hilfer and Katie Schmidt, Ohnstad Twichell; Andrew Smith, Moore Engineering; and landowner Leon Mallberg.

**Public Comment:** None

**Minutes**

Manager Zetocha moved to approve the April 16<sup>th</sup>, 2026 regular meeting minutes, and the March 2026 financial statement. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

**Bills**

The Board considered the following bills:

**Ohnstad Twichell-** A. Rockswold permit \$711.20; R. Mund permit \$1,278.74; T. Speich permit \$817.00; P. Schlotfeldt permit \$714.00; Mtgs/emails/correspondence \$1350.00; Drain No.9 Ext.-teams meeting with Moore Engineering; Wild Rice River Maintenance District-Review statutes \$306.00

**Total: \$5,304.44**

**Moore Engineering-**Silver Lake Dam-permit status \$150.50; Meetings/tile permits/NDDWR Plan \$2,590.90; Wild Rice Maintenance District- Up-date board comments \$2,212.00

**Total: \$11,084.40**

**Sargent County Treasurer-** taxes Drain No. 7

**Total: \$50.75**

**Dan Bishoff-** 1 beaver (Section 19/SE 1/4 along Drain No. 9)

**Total: \$50.00**

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

**UNFINISHED BUSINESS:**

**Drain No. 11:**

No update

**Drain No. 4:**

No update.

**Drain No. 2:**

No update.

**Drain No. 7:**

No update.

**Drain No. 9:**

The culvert at the County Road 5 crossing is plugged with a beaver dam. It will take a mini track hoe to remove the dam. It was suggested to hire JAC Predator to remove the dam.

Manager Zetocha moved, and Manager Wyum seconded the motion, to direct Attorney Fredricks to draft an agreement with JAC for these types of services, for the Board's consideration at the June meeting. Upon roll call, the motion carried unanimously.

**Drain No. 9 Extension/Wild Rice Maintenance District:**

Trosen of Moore Engineering indicated the budgets for these projects have been exhausted. The Board plans to conduct a landowner meeting to allow the landowners in the area to determine if they want the Board to pursue these projects further.

The Board will conduct a public informational meeting to discuss the projects; this is not a statutory meeting and is not required but will afford landowners the opportunity to indicate whether or not they want the Board to develop either of these projects further. Trosen estimated it will cost an additional \$40,00-50,000 to further develop the projects enough to get each through an assessment vote.

The Board will conduct the public informational meeting, preceded by notice to landowners in the area, as follows:

**Public Information Meeting: Drain No. 9 Extension/Wild Rice Maintenance District  
Cogswell Community Center  
Thursday, June 18<sup>th</sup>, 2026  
1:00 p.m.**

**Drain No. 8:** Trosen and the Board have been exploring two options to improve Drain 8 per comments received from the City & landowners. Trosen presented the two options at the April meeting; the first is a buried pipe option and the second is a pump option. At the April meeting Manager Speich recommended Moore look at a pump option with a shorter outlet pipe that would include the pump discharging into a shallow ditch to then convey the runoff downstream. Trosen reported that this option would require 15,000 yds. of material to fill in the drain in addition to the pump costs. Trosen estimated the construction of this option would cost around \$750,000.

Manager Wyum and Trosen went to the Rutland City Council meeting on May 4<sup>th</sup> and presented the options and preliminary estimated costs. The City indicated that each option is too expensive to pursue as presented.

Manager Wyum noted the City may have other ideas of how to improve the drain, and that if the Board conveyed ownership of the Drain to the City, the City could improve the Drain in the City's discretion. The Board will wait to hear from the City of Rutland in how they would like to proceed.

**Cogswell Tile:** The NDDDES has this project on its final review list but has not yet approved cost-share. Manager Stein reported that there is current flow throw the tile.

**Drain No. 12:**

No update.

**Short Foot Creek:** Trosen said Moore is waiting to hear back from the NRCS federal office. Trosen said he hopes to have the planning process complete by the end of the summer. Cost share for this Plan is exhausted.

**Silver Lake Dam:** Trosen reported that it has been 3 months since the request for information from the Department of Water Resources (DWR). Moore reached out to the DWR to request the status on the permit review and was told the review is nearly complete and just needs to go through an executive review with the state engineer before its finalized. Trosen hopes to have the signed permit by the June meeting.

**Tewaukon District:**

No update.

**Dam Inventory:**

No update.

**NEW BUSINESS:**

**Application to Install a Subsurface Water Management System No. 2026-05 for Applicant Ryan Lindvall in the West Half and the Southeast Quarter of Section 18 in Brampton Township**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2026-05* filed May 14, 2026, by Ryan Lindvall. Under the Application, Mr. Lindvall seeks to install a 499-acre drain tile system in the West Half and the Southeast Quarter of Section 18 in Brampton Township, Sargent County, North Dakota. The project will include a single pump outlet located along the north boundary of Section 18; the tile will discharge into the south road ditch along County Highway 5; the tile discharge will flow north through an existing culvert under Highway 5; the discharge will daylight in the north road ditch along Highway 5, near the southeast corner of the Southwest Quarter of Section 7; the discharge will flow west in the north road ditch, along the south boundary of the Southwest Quarter of Section 7; near the southwest corner of Section 7, Highway 5 turns to the north, and the tile discharge will flow north, in the east road ditch

along Highway 5, along the west boundary of Section 7.

According to Sargent County tax parcel data, Ryan Lindvall owns the West Half and the Southeast Quarter of Section 18 in Brampton Township where Mr. Lindvall intends to install the tile system. With regard to downstream notices to landowners within one mile of the project outlet, as required under N.D. Cent. Code § 61-32-03.1, the discharge will flow through Sargent County Highway Department right of way; further, Kathleen Heimbuch owns the Southwest Quarter of Section 7, and John and Patricia Wentworth own East Half of the Northwest Quarter of Section 7 in Brampton Township.

Manager Wyum moved, and Manager Speich seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2026-05* filed May 14, 2026, for Ryan Lindvall in the West Half and the Southeast Quarter of Section 18 in Brampton Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2026-05, subject to the following conditions:

1. Permittee will re-establish any areas disturbed installing or maintaining Permittee's tile system.
2. Permittee will install and maintain erosion protection at any and all outlets into the Sargent County Highway Department's highway right of way.
3. Permittee 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. Permittee will remove silt or vegetation or repair erosion or scour damages *directly* caused by Permittee's tile system, but only up to one mile downstream of the project outlet, in accordance with N.D. Cent. Code § 61-32-03.1.
5. Permittee will not install Permittee's tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the West Half and the Southeast Quarter of Section 18 in Brampton Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
6. Permittee will apply for an amendment to Subsurface Water Management Permit No. 2026-05 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, the motion carried unanimously.

With regard to condition #4, Permittee'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 Permittee'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 Permittee's permit. However, for Permittee's protection, and to ensure protection of Permittee's tile system, the Board recommends that Permittee comply with the following:

1. The Board recommends that Permittee obtain written consent from the Sargent County Highway Department's to discharge into or otherwise utilize any of the County's Highway 5 right of way.
2. The Board recommends that Permittee 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.

The Board will provide copies of the Board's Notice of Decision and Subsurface Water Management Permit No. 2026-05 to the Department of Water Resources, the Sargent County Highway Department, John and Patricia Wentworth, Kathleen Heimbuch, and Southeast Water Users District. Permittee's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

***Application to Install a Subsurface Water Management System No. 2026-06 for Applicant Brian Vculek in the Southwest Quarter of Section 35 in Denver Township***

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2026-06* filed May 15, 2026, by Brian Vculek. Under the Application, Mr. Vculek seeks to install a 106-acre drain tile system in the Southwest Quarter of Section 35 in Denver Township, Sargent County, North Dakota. The project will include three gravity outlets located near the north boundary of the Southwest Quarter of Section 35; all three outlets will discharge into a natural watercourse, as that term is defined under N.D. Cent. Code § 61-01-06.

According to Sargent County tax parcel data, Brian Vculek owns the Southwest Quarter of Section 35 in Denver Township where Mr. Vculek intends to install the tile system. Because the project will outlet 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. 2026-06* filed May 15, 2026, for Brian Vculek in the Southwest Quarter of Section 35 in Denver Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2026-06, subject to the following conditions:

1. Permittee will re-establish any areas disturbed installing or maintaining Permittee's tile system.
2. Permittee will install and maintain erosion protection at any and all outlets into the natural watercourse in the Southwest Quarter of Section 35 in Denver Township.
3. Permittee will not install Permittee's tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the Southwest Quarter of Section 35 in Denver Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
4. Permittee will apply for an amendment to Subsurface Water Management Permit No. 2026-06 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.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Permittee's permit. However, for Permittee's protection, and to ensure protection of Permittee's tile system, the Board recommends that Permittee 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.

The Board will provide copies of the Board's Notice of Decision and Subsurface Water Management Permit No. 2026-06 to the Department of Water Resources and Southeast Water Users District. Permittee's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

***Application to Install a Subsurface Water Management System No. 2026-07 for Applicant Eric Delahoyde in the North Half of Section 7 in Forman Township***

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2026-07* filed May 19, 2026, by Eric Delahoyde. Under the Application, Mr. Delahoyde seeks to install a 232-acre drain tile system in the North Half of Section 7 in Forman Township, Sargent County, North Dakota. The project will include a single gravity outlet that will discharge via a pipeline that will commence in the southeast corner of the Northeast Quarter of Section 7; the pipeline will run to the southeast, diagonally under 92nd Street SE; the pipeline will continue to the southeast, across a portion of the Southwest Quarter of Section 8 in Forman Township; the pipeline will daylight and discharge into a pond or slough on the Southwest Quarter of Section 8.

According to Sargent County tax parcel data, Daniel and Phyllis Delahoyde own the North Half of Section 7 in Forman Township where Mr. Delahoyde intends to install the tile system. Further, according to Sargent County tax records, Ross and Kendra Waterman, as Co-Trustees of the Ross and Kendra Waterman Irrevocable Trust, own the Southwest Quarter of Section 8 in Forman Township, the property where Permittee intends to install a small segment of pipeline. Because the project will outlet into a pond or slough, no downstream notices are required under N.D. Cent. Code § 61-32-03.1.

Manager Speich moved, and Manager Wyum seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2026-07* filed May 19, 2026, for Eric Delahoyde in the North Half of Section 7 in Forman Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2026-07, subject to the following conditions:

1. Permittee will re-establish any areas disturbed installing or maintaining Permittee's tile system.
2. Permittee will install and maintain erosion protection at any and all outlets into the pond or slough in the Southwest Quarter of Section 8 in Forman Township.
3. Permittee will not install Permittee'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 7 in Forman Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
4. Permittee will apply for an amendment to Subsurface Water Management Permit No. 2026-07 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 Permittee's permit. However, for Permittee's protection, and to ensure protection of Permittee's tile system, the Board

recommends that Permittee comply with the following:

1. The Board recommends that Permittee obtain written consent from the Forman Township Board of Township Supervisors to install any project components in the Township's right of way.
2. The Board recommends that Permittee 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.

The Board will provide copies of the Board's Notice of Decision and Subsurface Water Management Permit No. 2026-07 to the Department of Water Resources, the Forman Township Board of Township Supervisors, Daniel and Phyllis Delahoyde, Ross and Kendra Waterman, and Southeast Water Users District. Permittee's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

#### **OLD BUSINESS:**

**Milnor Walking Path:** Carol Peterson, Milnor Economic Development and Milnor Mayor, Terry Dusek, approached the board about a walking path along Drain No. 7. The Board discussed this matter with the City in 2025. At the time, the Board directed Attorney Fredricks to prepare a proposed agreement with the City that would permit the City to install, operate, maintain, and own the path at the City's expense and without any liability to the Sargent County Water Resource District. Fredricks prepared a draft agreement and the City's attorney reviewed the agreement. The City would like the Board to instead consider taking over this project, owning the path, and accepting any liability for the path. Ms. Peterson noted the Sargent County Water Resource District has authority under North Dakota law to own and operate recreational facilities. Fredricks noted that, under N.D. Cent. Code § 61-16.1-09(10), water resource districts do have the legal authority to own and operate recreational facilities but he also noted the statute does not create an obligation or mandate for the Board to own and operate this proposed path.

City Attorney Even has suggested that the City of Milnor could serve as a "middle man" for the project, but with the Sargent County WRD constructing, owning, operating, and maintaining the path, and accepting all potential liability. The path would run from the golf course to Main Street. From there the path would lead to 7<sup>th</sup> Ave (past the church). The path would end there, but the design could be reevaluated to possibly go further. Peterson had talked to the railroad and the switches could be an issue with the path design. That is why she suggested starting out with a shorter path to begin with.

Attorney Fredricks again noted that, in 2025, the WRD directed him to draft an agreement under which the City would construct, own, operate, and maintain the path; the City would repair any damages to the Drain as a result of the path; and the WRD would not have any responsibility or liability regarding the path. Further, Fredricks noted that the Board lacks legal authority to utilize Drain 7 funds to construct, operate, and maintain a recreational path; rather, the Board can only utilize Drain 7 funds to own, operate, maintain, repair, etc., Drain 7 for drainage purposes.

Manager Zetocha said that he feels the responsibility of the path belongs with the City of Milnor. Manager Wyum added that as much as the City would not want the liability of the path, neither does the waterboard. Chairman Siemieniewski said that with the issue of liability, the waterboard cannot commit to taking on this project. Manager Wyum recommended that the City approach the Park Board about the prospect of a partnership between those two entities for this path. Peterson and Dusek indicated they would approach the Park Board.

Trosen of Moore Engineering recommended a review of Drain right of way along the proposed extents of the path by a registered land surveyor. He will prepare an estimate to have Moore's registered land surveyors determine to the extents of the ROW along Drain 7 for the areas on the Drain that have not been improved.

#### **Virginia Widmer Subsurface Water Management System Complaint Appeal:**

Fredricks provided an update regarding Ms. Widmer's administrative appeal in this matter. The Board previously approved a tile permit for the John Zetocha and Dave Zetocha for a 72-acre project. Fredricks provided notice of the Board's decision to parties of record, as required under the tile statute, including Ms. Widmer. Ms. Widmer did not appeal the Board's permit decision. She later filed a drainage complaint with the Board regarding their tile project. The Board dismissed the Complaint; the Board reasoned that the project is a permitted tile system and technically did not even require a permit (under 80 acres). Fredricks provided the Board's Notice of Decision to Ms. Widmer. She appealed the Board's decision to DWR. The DWR similarly dismissed her appeal. Ms. Widmer has since appealed the DWR's decision to the Office of Administrative Hearings. The Attorney General's Office and the DWR agreed with the Board's dismissal. The DWR went a step further and indicated that neither the DWR nor WRDs have any jurisdiction over tile via the drainage complaint statute (in light of the Legislature's amendment of the definition of "drain" in 2023 legislation). Attorney Fredricks reached out to the Attorney General's Office to check if they want any

WRD participation in this appeal. The issues are largely procedural/jurisdictional in nature so Fredricks doubted they would need or want any assistance but will keep the board posted.

**Dickey-Sargent Joint Board**

**DSJTB bills for approval:**

DVEC - electricity -	\$ 603.00
Ohnstad Twichell- Bd Mtg.	\$ 108.00

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

**March 2026 Financials:**

Maintenance Account Balance: \$ 67,570.69

Improvement Account Balance: \$410,403.67

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

**Bills:**

Moore Engineering-Water Devel. Plan	\$ 119.00
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A motion was made by Manager Wyum and seconded by Manager Speich to approve the bill as presented. Upon roll call, the motion carried unanimously.

**March 2026 Financials:**

\$ 571,953.59

With no further business, the meeting adjourned at 8:59 a.m.

APPROVAL:

\_\_\_\_\_  
Luke Siemieniewski-Chairman

ATTEST:

\_\_\_\_\_  
Wendy Schmiess  
Secretary-Treasurer