

DRAFT

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

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, MARCH 21ST, 2024 AT 8:00 A.M. IN THE WATER BOARD CONFERENCE ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN NORTH DAKOTA

Managers present: Chairman Luke Siemieniewski, Managers Todd Stein, Michael Wyum, Bruce Speich and Roger Zetocha. Also in attendance was Wendy Willprecht Secretary/Treasurer, Nathan Trosen, engineer for Moore Engineering, Sargent County Commissioner Wade Anderson, Tim Faber, County Highway Supervisor, landowner Jerry Meide and Noah Hazard and Eric Wilson of the U.S. Fish & Wildlife Service. Present via video conference were Attorneys Sean Fredricks and Stephen Hilfer of Ohnstad Twichell, Janell Marmon of the Sargent County Teller, landowner Bob Banderet and an unidentified guest member.

Manager Wyum moved to approve the February 15th, 2024 regular meeting minutes, the February 28th, 2024 special meeting minutes and the February 2024 Financial Statement. Manager Zetocha seconded the motion. The Managers also decided to renew CD 14417. Upon roll call vote, the motion carried unanimously.

Manager Stein moved to approve the bills.

Ohnstad Twichell- permits/meetings \$992; Bob Orn app. \$602.12; 1099 prep \$313.16; Dan Mund app. \$844.02; Dan Mund app. \$923.35; Chris Mathias App. 841.39; Loren Ellefson app. \$571; Drain No. 11-Improv. Proj. \$3068.99/Eminent Domain \$12,155.41

Total: \$20,311.44

Moore Engineering- Meetings/correspondence \$3,198.28; Short Foot- Task 6 \$1,080.00; Drain No. 4-Water Devel. Plan \$205; Drain No. 8- Improv. Study/Water Devel. Plan \$3110.00; Drain No. 9-Mtgs./Water Devel. Plan \$1,163.75; Drain No. 11-ROW \$875/Cogswell Tile \$3830; Drain No. 7-Access road design \$1412.50/Hall Twp. drone video of channel/start of culvert analysis \$4,250.00/Water Devel. Plan \$102.50; Tewaukon Watershed- Water Devel. Plan \$410.00

Total: \$19,637.03

Starion Bond Services- Drain No. 11-2022A \$284,007.50/2022B \$209,226.25; Drain No. 12-2020A \$71,550/2020B \$56,347.50; Drain No. 7-2020C \$122,380/2020D \$50,605

Total: \$794,116.25

Willey Township- culvert cost share

Total: \$2741.00

Manager Speich 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 less taxes
DD	Stock Grower's Bank	Withholding Taxes
DD	ND State Tax Commission	State Tax
DD	Job Service ND	Unemployment Comp.

US Fish & Wildlife Service: Noah Hazard and Eric Wilson shared maps of their footprint within Sargent County's easement program. Hazard said there are 16,500 acres of wetland easements, 8,000 acres of grassland easements, 7,150 acres of water fowl easements and 306 contracts between the wetland easements and the UFWWS WPA (water fowl). Hazard and Wilson offered their assistance with any questions the board may have moving forward.

Drain No. 11:

Project: No update.

Glen Thompson Utility Permit: Mr. Thompson has been in communication with Moore Engineering and relayed to Pat Downs that he hopes to have the utility permit signed by the end of March.

Cost-share submission to Sargent County relating to road crossings: The Sargent County Commission tabled discussion of the cost-share reimbursement request until State's Attorney Pfau has a chance to review the joint powers agreement between the Commission and the Water Resource District.

Culvert/cost-share deobligation: The SCWRD has requested all eligible cost-share funds from the SWC and has been reimbursed. The Department of Water Resources stated that since construction is complete for this project, the remaining cost-share dollars need to be deobligated. The total SWC cost share for the project was approved for \$1.4 million and \$1.1 million cost-share dollars were utilized.

A culvert along Drain No. 11 was damaged last year while farm implement machinery drove over the top. It was an accident that could not be foreseen by the farmer. Cost-share for this culvert replacement was sent to the SWC. The project was still under an open contract, so we submitted it like any other construction expense. We received the cost-share for the expense, but over the course of the last month, the SWC looked into the expense more and are now requesting we pay back their cost for the repair which is \$19,007.84.

A motion was made by Manager Wyum and seconded by Manager Speich to deobligate the remaining cost-share with the SWC and to reimburse them for the \$19,007.84 that related to the culvert replacement cost-share. Upon roll call, the motion carried unanimously.

Manager Stein said that he reached out to farmer Bruce Bosse, whose implement was responsible for the culvert collapsing. Bosse will reach out to his insurer to see if there is any coverage for something like this.

Jerry Meide South Lateral: Mr. Meide approached the SCWRD in regards to a 50-foot easement along the South Lateral of Drain No. 11. Meide had a question as to whether the easement was in the correct location as relating to the Drain. Trosen said that Moore did some preliminary research on the ROW in this area and found a record detailing the 50' easement. However, the record did not include a meets and bounds survey so the exact location of the easement is unknown at this time. Trosen said in order to find out exactly where the ROW is, a more in-depth look review will need to be completed which would include field survey. Trosen estimated the cost to evaluate the area in question to be between \$4,000-5,000. Attorney Fredricks mentioned that this easement could be a prescriptive easement if it has been in place for more than 20 continuous years.

Mr. Meide said that once the data is collected during the survey, Brian Ritzen, Resource Manager of the US Fish and Wildlife Service, would be able to proceed in working with Mr. Meide. If the easement does not match the physical location of the Drain Trosen said the easement could be updated.

Manager Wyum made a motion to direct Moore Engineering to conduct survey research for the easement in question with the cost to not exceed \$5,000. Manager Speich seconded the motion. Upon roll call Managers Zetocha, Wyum, Stein and Speich voted yes. Chairman Siemieniowski voted no. The motion carried.

Drain No. 4: No report.

Drain No. 7:

Project: Trosen of Moore Engineering said they had estimated the cost of the bridge removal and building up the berm to be around \$40,000. Comstock presented their estimate and it was approximately \$70,000. Manager Speich recommended approaching local contractors to see what their bids would be for the project. Chairman Siemieniowski said that we should also reach out to Hall Township and the Sargent County Commission to see what they would like to do. Trosen stated this project does not have to be done immediately. Trosen will contact local contractors to get additional bids. He has all the paperwork and will send it to JBX, Endersons and Marshall Braaten (DLX). Once these bids are received, they can be presented to the Sargent County Commission.

A motion was made by Manager Speich and seconded by Manager Zetocha to have Moore Engineering solicit local contractors to get bids for the cost of the bridge removal and the building up of the berm. Upon roll call, the motion carried unanimously.

404 Permit: No update.

Drain No. 9 Extension: A public informational meeting has been scheduled for Thursday, March 28th, 2024, at the Cogswell Community Center at 1:00 p.m.

Drain No. 8: Trosen said that the study for this Drain was submitted to the state and we now will wait to see if it will qualify for the hazardous mitigation funding.

Cogswell Tile: Trosen said that study for the tile was submitted to the state and we now will wait to see if it will qualify for the hazardous mitigation funding.

Drain No. 2: Discussion was had regarding money owed to landowners Warren and Aaron Lyons and Darrel Foertsch due to lost farmland along Drain No. 2. Manager Speich will have a discussion with landowner Foertsch and we will rediscuss the matter at next month's meeting.

Drain No. 12: It was noted during an inspection of this Drain that there should be grass seeded where the fill material was put on the bank. Chairman Siemieniowski offered to seed the area with just having the seed be paid for by the SCWRD. Drone capability will be used to do the seeding. A motion was made by Manager Zetocha and seconded by Manager Wyum to pay for the seed expense. Upon roll call Manager Speich, Wyum, Zetocha and Stein all voted yes. Chairman Siemieniowski abstained.

Short Foot Creek: No update.

City of Stirum: No report.

NEW BUSINESS:

Water Topics: Manager Zetocha attended a WRD meeting in Bismarck on March 5th. Zetocha spoke up and asked why safety isn't given more consideration when funding decisions are being made. Zetocha's hope is that people will start talking about making safety a higher priority.

NDSU gave a presentation on forever toxins relating to plastics and solar panels. Trosen said there is data showing the existence of micro toxins that a person cannot see with the naked eye. The EPA is coming out with new regulations for these toxins. Traditional clean up techniques are unable to remove the toxins so new technology is being introduced to be used for the removal. The removal process is said to take much effort and is expensive.

Virginia Widmer: The SCWRD received a letter from Ryan McCamy of Conmy & Feste Attorneys at Law, who represent Virginia Widmer. Ms. Widmer has concerns regarding the drainage operations of her neighbors, Dave and John Zetocha. Widmer also said her concerns were exacerbated by a trespass that occurred on November 13th, 2023, wherein the Zetochas' contractor was actively using drainage machinery on Widmer's land, Widmer said.

Attorney Fredricks responded to McCamy's letter by email and explained the Board has approved two tile permits for the Zetochas, noted that the Legislature has since amended the tile permitting statutes, and further noted that the SCWRD lacks authority to compel landowners to close or modify their drainage projects without a drainage complaint filed under NDCC 61-32-03. Mr. McCamy indicated he would consult with his client. In the meantime, the Board cannot take any action to investigate the Zetochas' drainage activities without a formal complaint. Fredricks also explained to Mr. McCamy that the SCWRD lacks any jurisdiction or legal authority to address any trespass claims as well.

The Board will wait to see if we receive any additional information from Ms. Widmer or her attorney.

Manager Stein had received a map from Dave Zetocha that showed none of their project was on the Widmer land.

Application to Install a Subsurface Water Management System No. 2024-06 for Brian Vculek in the East Half and the Northwest Quarter of Section 20 in Verner Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2024-06*, filed February 20, 2024, by Applicant Brian Vculek. Under the Application, Applicant seeks to install a 120-acre drain tile system in the East Half and the Northwest Quarter of Section 20 in Verner Township, Sargent County, North Dakota. The project will include two gravity outlets; the first will be located approximately 2,700 feet south of the northeast corner of Section 20, along the east boundary of the Northeast Quarter of Section 20; the outlet will discharge into the west road ditch along Sargent County Road 2 and will flow south in the west road ditch, along the east boundary of Section 20, until flowing into the North Lateral of the Jackson Township Improvement Project in the Northeast Quarter of Section 29, a legal assessment drain owned and operated by the Dickey-Sargent Joint Water Resource District. The second gravity outlet will be located in the southeast corner of the Southeast Quarter of Section 20; the outlet will discharge into the north road ditch along 88th Street SE; the discharge will flow south, through an existing culvert under 88th Street, and into the North Lateral of the Jackson Township Improvement Project.

According to County tax roll information supplied by Applicant, Bernard Vculek, as Trustee of the Bernard Vculek Revocable Trust, owns the East Half and the Northwest Quarter of Section 20 in Verner Township where Applicant intends to install the tile system. The Board will provide downstream notices to the County Highway Department regarding use of its County Road 2 right of way. Because the project discharges into a legal assessment drain in the Northeast Quarter of Section 29 in Verner Township, no other downstream notices are necessary under N.D. Cent. Code § 61-32-03.1.

Manager Stein moved, and Manager Speich seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2024-06*, filed February 20, 2024, for Brian Vculek in the East Half and the Northwest Quarter of Section 20 in Verner Township, and to authorize the Secretary/Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-06, 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 Sargent County Highway Department's road right of way.
3. Applicant will install and maintain erosion protection at any and all outlets into Verner Township's road right of way.
4. Applicant must remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant's tile system, but only up to the respective discharges into the North Lateral of the Jackson Township Improvement Project.
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 East Half and the Northwest Quarter of Section 20 in Verner 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. 2024-06 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 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 the Sargent County Highway Department or Verner Township 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 Sargent County Highway Department to discharge into or otherwise utilize any of the County's Road 2 right of way.
2. The Board recommends that Applicant obtain written consent from the Verner Township Board of Township Supervisors to discharge into or otherwise utilize any of Verner Township's road right of way.
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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-06, and downstream flow map to the Department of Water Resources, the Sargent County Highway Department, Verner Township, Bernard Vculek, the Dickey-Sargent Joint Water Resource District, and Southeast Water Users District.

In addition, because the project will include discharge into the County's highway right of way, Mr. Fredricks will include the County Highway Department's ditch permit form along with the notification documents. In addition, the NOTICE OF DECISION letter will include the following language:

Enclosed for your convenience is the Sargent County Highway Department's APPLICATION FOR DRAINAGE WORK WITHIN COUNTY ROAD RIGHT OF WAY. Because the project will discharge into County right of way, the Sargent County Highway Department will require Applicant to complete and submit this Application. The Highway Department's permitting requirements are separate from the Sargent County Water Resource District's approval of SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-06.

Red River Joint Water Resource District Executive Committee: The Chair of the Red River Joint Water Resource District (RRJWRD) and Mr. Randy Gjestvang, engineer for RRJWRD and the Department of Water Resources, met with the Sargent County Commission to discuss funding and membership for RRJWRD as well as the substantial cost-share the county has received from RRJWRD over the years. The Commission paid only partial membership to the RRJWRD for 2024 because they said the letter requesting membership fees did not explicitly state "membership fees" and they were unsure what the expense from the RRJWRD actually was. The RRJWRD said that moving forward they will make the membership fee request more specific and they will ensure more open lines of communication with the Commission and the SCWRD to explain benefits of membership on RRJWRD. The RRJWRD will not pursue the remaining balance unpaid by the Commission for 2024 and will not penalize the SCWRD in terms of future cost-share requests as a result of this misunderstanding.

Ohnstad Twichell Law Office/Moore Engineering: A motion was made by Manager Zetocha and seconded by Manager Speich to hire both Ohnstad Twichell Law Office and Moore Engineering to represent the SCWRD for 2024. Upon roll call, the motion carried unanimously.

Application to Install a Subsurface Water Management System No. 2024-07 for Hanson Brothers Farms Limited Partnership in Sections 15, 16, 17, and 21 in Forman Township

The Board next reviewed *Application to Install a Subsurface Water Management System NO. 2024-07*, filed March 14, 2024, by Applicant Hanson Brothers Farms Limited Partnership. Under the Application, Applicant seeks to install a 960-acre drain tile system in the West Half of Section 15, the South Half of Section 16, the Northwest Quarter of Section 17, the South Half of Section 17, and the North Half of Section 21, all in Forman Township, Sargent County, North Dakota. The project will include three pump outlets and two gravity outlets, as follows:

- **Pump No. 1:** Located near the northwest corner of the Northwest Quarter of Section 17
 - This pump discharges into the south road ditch along 92nd Street SE; the discharge will flow under 92nd Street and will daylight in the north road ditch, near the southwest corner of the Southwest Quarter of Section 8; from there, the discharge will flow to the northeast for approximately 600 or 700 feet before flowing into a pond/lake/slough.
- **Pump No. 2:** Located in the Southeast Quarter of Section 16
 - This pump discharges directly into a pond/lake/slough.
- **Pump No. 3:** located in the Southwest Quarter of Section 15
 - This pump discharges directly into a pond/lake/slough.
- **Two Gravity Outlets:** Both located in the Northeast Quarter of Section 21
 - Both of these gravity outlets discharge directly into a pond/lake/slough.

The project will require lines through and under Forman Township's right of way to connect Applicant's system, specifically including Forman Township's right of way for 92nd Street SE, 93rd Street SE, 128th Avenue SE, and 129th Avenue SE.

According to County tax roll information supplied by Applicant, Hanson Brothers Farms Limited Partnership owns the West Half of Section 15 and the North Half of Section 21 in Forman Township; Brandon, Reed, Ryan, and Andrew Hanson own the South Half of Section 16; the Josh Hanson Limited Partnership owns the Northwest Quarter of Section 17; and Raymond C. Kotchian, Trustee of the Wendy S. Kotchian Disclaimer Trust, owns the South Half of Section 17.

With regard to downstream landowners, Kendra K. Waterman owns the Southwest Quarter of Section 8 in Forman Township (downstream of the pump in the Northwest Quarter of Section 17). Because the other two pumps and the two gravity outlets all discharge directly into ponds/lakes/sloughs, no other downstream notices are necessary 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. 2024-07*, filed March 14, 2024, for Hanson Brothers Farms Limited Partnership in Sections 15, 16, 17, and 21 in Forman Township, and to authorize the Secretary/Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-07, 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 Forman Township's road right of way.
3. Applicants 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. With regard to the pump in the Northwest Quarter of Section 17, Applicant must remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant's tile system, but only up to the discharges into the pond/lake/slough in the Southwest Quarter of Section 8 in Forman Township.
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 West Half of Section 15, the South Half of Section 16, the Northwest Quarter of Section 17, the South Half of Section 17, or in the North Half of Section 21 in Forman 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. 2024-07 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.

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 the Sargent County Highway Department or Forman Township 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 Forman Township Board of Township Supervisors to install any lines or other project components on, under, or through any of Forman Township's road right of way.
2. The Board recommends that Applicant obtain written consent from the Forman Township Board of Township Supervisors to discharge into any of the Township's road right of way.
3. The Board recommends that Applicant obtain an easement or other written consent to install and maintain tile components from the owners of any land not owned by Applicant.
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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-07, and downstream flow map to the Department of Water Resources, the Hanson Brothers, the Josh Hanson Limited Partnership, the Kotchian Trust, Kendra K. Waterman, Forman Township, and Southeast Water Users District.

Application to Install a Subsurface Water Management System No. 2024-08 for Cole Vculek in the Northwest Quarter of Section 16 in Harlem Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2024-08*, filed March 18, 2024, by Applicant Cole Vculek. Under the Application, Applicant seeks to install a 115-acre drain tile system in the Northwest Quarter of Section 16 in Harlem Township, Sargent County, North Dakota. The project will include a single pump outlet located along the east boundary of the Northwest Quarter of Section 16; the pump will discharge into Sargent County Drain No. 11, a legal assessment drain owned and operated by the Sargent County Water Resource District.

According to information supplied by Applicant, Cole Vculek owns the Northwest Quarter of Section 16 in Harlem Township where Applicant intends to install the tile system. Because the project discharges into a legal assessment drain, no downstream notices are necessary under N.D. Cent. Code § 61-32-03.1.

Manager Stein moved, and Manager Wyum seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2024-08*, filed March 18, 2024, for Cole Vculek in the Northwest Quarter of Section 16 in

Harlem Township, and to authorize the Secretary/Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-08, subject to the following conditions:

1. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
2. Applicant will set and install any drain tile pump at least 25 feet from the top of the back slope of Sargent County Drain No. 11, with a pipe buried from the pump to Drain No. 11.
3. Applicant will install and maintain erosion protection at any and all outlets into Sargent County Drain No. 11.
4. 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.
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 Northwest Quarter of Section 16 in Harlem 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. 2024-08 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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-03, and downstream flow map to the Department of Water Resources and Southeast Water Users District.

Application to Install a Subsurface Water Management System No. 2024-09 for Kasowski Russet LLP in the Southwest Quarter of Section 29 in Jackson Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2024-09*, filed March 18, 2024, by Applicant Kasowski Russet LLP. Under the Application, Applicant seeks to install a 137-acre drain tile system in the Southwest Quarter of Section 29 in Jackson Township, Sargent County, North Dakota. The project will connect to an existing pump along the south boundary of the Southwest Quarter of Section 29; the pump discharges into the north road ditch along 95th Street SE; the discharge will then flow west in the north road ditch, and along the south boundary of Section 30 in Jackson Township.

According to County tax roll information supplied by Applicant, Kasowski Russet LLP owns the Southwest Quarter of Section 29 in Jackson Township where Applicant intends to install the tile system. With regard to downstream properties, Kasowski Russet LLP owns the South Half of Section 30 and, therefore, no downstream notices are required in accordance with 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. 2024-09*, filed March 18, 2024, for Kasowski Russet LLP in the Southwest Quarter of Section 29 in Jackson Township, and to authorize the Secretary/Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-09, 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 Jackson Township's road 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 Southwest Quarter of Section 29 in Jackson 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. 2024-09 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 Jackson Township 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 Jackson Township Board of Township Supervisors to discharge into or otherwise utilize any of Jackson Township's road 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, SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-03, and downstream flow map to the Department of Water Resources, Jackson Township, and Southeast Water Users District.

TC Energy-Keystone Pipeline: We received notice that TC Energy would be conducting routine cathodic protection surveys over the Keystone Pipeline ROW on or near property of the SCWRD beginning in March and ending December 2024. Attorney Fredricks provided a copy of the recorded pipeline easement the Board granted TC Energy in 2008. The easement contains indemnity and repair protections for the Board. There was no action required by the board at this time.

Brian Vculek-Surface Drain Permit Application No. 6316: The SCWRD received DWR's "Record of Decision" in which DWR indicated permit No. 6316 is not drainage of statewide or interdistrict significance and the DWR is therefore referring the application to the SCWRD for consideration and approval. Attorney Fredricks and Engineer Trosen will review the ROD and will prepare recommendations for the Board's consideration for the April meeting.

DSJTB bills for approval –

DSJTB bills for approval

DVEC – electricity –	\$ 141.00
Ohnstad Twichell-Correspondence/Conference	\$ 360.00
Starion Bond Services-2021 Bond	\$177,822.50

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

Balances as of February 29th, 2024:

Maintenance Account Balance:	\$ 42,737.00
Improvement Account Balance:	\$ 408,083.83

The next Dickey-Sargent Joint Board meeting will be held in April 2024.

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

Trosen of Moore Engineering said based on the most recent supreme court ruling, this project will not be able to be built in its entirety. The suggestion was to bid it out in segments, but Trosen said that if the last mile of this project was removed, it would significantly affect the economic analysis. The NDDWR has stated that whatever segments that are going to be built is what the analysis is based off of, not the entire project that is designed. Chairman Siemieniewski and Manager Speich both suggested doing the entire project and going to the district for a vote. We will continue to have more discussions about this project.

The RS1 joint board will meet in April.

Manager Zetocha made a motion to approve the RS 1 bills. Manager Wyum seconded the motion. Upon roll call, the motion carried unanimously.

<u>Ohnstad Twichell-</u> Correspondence/letters to landowners	\$ 448.50
<u>Moore Engineering-</u> ROW/Economic Analysis	\$ 6,985.00

February 29th, 2024 Account Balance: \$ 74,767.54

Sargent County Road Supervisor, Tim Faber, said that Brian Anderson has turned his pump off at the request of landowners, the Wehlanders. Anderson has reached out to Wehlanders asking to turn the pumps back on, but has gotten no response, Faber said. The SCWRD Managers said to tell Anderson to turn his pump back on. Manager Speich said that he was told Terry Wehlander has tried to get a hold of Anderson.

The meeting adjourned at 9:45 a.m.

Lucas Siemieniewski, Chairman

Wendy Willprecht, Secretary/Treasurer