SARGENT COUNTY WATER RESOURCE DISTRICT
Meeting Minutes
Thursday, October 15th, 2026 at 8:00 a.m.

The Sargent County Water Resource District met on Thursday, October 15th, 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 Todd Stein and Bruce Speich. Also present were Wendy Schmiess Secretary/Treasurer and Nathan Trosen of Moore Engineering. The following were also present virtually: Attorneys Sean Fredricks, Stephen Hilfer and Katie Schmidt, Ohnstad Twichell; Andrew Smith of Moore Engineering, DT and landowners Leon Malberg.

Public Comment: None

Minutes
Manager Wyum moved to approve the September 17th, 2026 regular meeting minutes. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

Bills
The Board considered the following bills:

Ohnstad Twichell- SLD-$204 Admin Code/correspondence; Bosse State Line App. $510; Delahoyde App. $765; A. Schmidt App. $844.88; Motl App. $664.40; professional services $1533.50
Total: $4,521.78

Moore Engineering- SLD-reviewed inspection report $68/Design $36.50/ Permitting $684; Meetings $1140/$139.84; Review of permits $228; Wild Rice River Feasibility Study-Benefit analysis/cost estimate $6,802.28; Drain No. 4- Assessment list $114; Drain No. 9- Cty. Rd. 5 box culvert $1,546; Drain No. 11- Assessment lists $228.00; Drain No. 7- Assessment/ROW for encroachment/Staking $2,981.25; Tewaukon Watershed- RRJWRD inspection review $68.00
Total: $14,035.87

IT Excavating, LLC- Drain No. 11-excavator work **Total: $ 600.00**

Andrew Greenmeyer- 6 beavers at $50/beaver **Total: $ 300.00**

Starion Bond Services- Drain No. 11: 2022A Bond $8,255 interest/$490 fees; Drain No. 7: 2022C Bond $5100 interest/fees $490/ 2022D Bond $2100 interest/ $490 fees
Total: $16,925.00

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

UNFINISHED BUSINESS:

Drain No. 11:
It was noted that the state caught a beaver along the drain, and landowner Chris Mathias has seen continued beaver activity. Manager Stein said that Hayens have trapped 3-4 beavers in the last month. Trosen noted that his billing for this drain consisted of assisting with the preparation of the annual maintenance assessment lists that were provided to each county.

Drain No. 4:
No update.

Drain No. 2:
No update.

Drain No. 7:
The Board noted that there are landowners and their tenants encroaching onto the Drain 7 berm, upstream of Milnor, with one landowner actually going over the berm. At the September SCWRD meeting, Chairman Siemieniewski suggested installation of signs to mark the Sargent County Water Resource District's right of way. Moore Engineering staked the property, with fiberglass markers placed every quarter mile. Trosen suggested that the board look at the stake placement after harvest to make sure they are still in place.

Attorney Fredricks drafted a letter for consideration by the Board to provide to seven different landowners along the drain. Manager Speich moved, and Manager Wyum seconded the motion, to

authorize Chairman Siemieniewski to sign the encroachment letters and for Mrs. Schmiess to mail them directly to the landowners. Upon roll call vote, the motion carried unanimously.

USF&W installed a fence on the wildlife land in Section 13 of Milnor Township. The Board is concerned that the fence may restrict access for future maintenance to the Drain. Trosen said the total ROW is 75ft. across the center of the drain. Moore Engineering confirmed that the fence is indeed on the property of the Tewaukon Refuge. Trosen spoke to Eric Wilson of the Tewaukon Refuge, and Wilson said that if the fence restricts the Board's access to the drain, the Board should contact Mr. Wilson and the Refuge will coordinate access.
Trosen noted that Moore previously added the additional area that will benefit from, and drain into, Drain 7 as a result of the Anthony Schmidt tile permit (2026-12) to the Drain 7 assessment list, as approved by the Board at the September meeting.

Drain No. 9:
As previously discussed by the Board, the County Road 5 culvert appears to be too high and undersized. Trosen said the existing culvert is a 72" pipe and it does not meet ND Stream Crossing Standards. The Board previously discussed two improvement options:

1. Add an additional 48" pipe to the crossing which would be the minimum additional culvert needed to meet stream crossing standards. The cost would be around $50,000.
2. Install an 8' x 6' box culvert. The cost for materials and install would be around $200,000-$250,000.

Moore is working on the plans to solicit bids for the crossing. Once the plans are completed, he will forward to Sargent County's Engineer, Damon Devillers. Following Mr. DeVillers' review, Trosen will solicit bids for installing new box culverts at County Road 5. The plan will be to solicit JBX, Comstock, JAV Construction and any other contractors the SCWRD suggests.

Attorney Fredricks will work with Trosen on drafting an agreement for the construction of the crossing project.

Wild Rice River Maintenance District:
Trosen reported that Moore has updated the benefit analysis following Moore's site and visual inspections conducted in August and approved by the Board in September. Trosen presented the updated hydrologic reduction map. Trosen also presented a sample parcel map and benefit analysis for the Board's review that Moore will generate for each parcel within the proposed assessment district.

Trosen estimated a $500/acre cost for the easement budget. The Board will have to acquire some type of right of way to accommodate the project, at least for access purposes for the initial cleanout and for future maintenance purposes. If the board does not include this expense in the project budget pre-vote, but the Board later incurs costs acquiring right of way, the Board may not have enough approved dollars in the assessment district budget. With right of way included, Trosen estimates a total project cost of approximately $600,000, which equates to approximately a $4/acre assessment.

To help determine the easement budget for the project, Chairman Siemieniewski suggested approaching landowners now, prior to commencing a vote, to determine if the landowners are willing to provide the easements at no cost to the project. Trosen will prepare a map of the proposed easement widths, acres, and impacted landowners. Trosen will present to the Board next month.

Drain No. 8:
No update.

Drain No. 12: It was noted that there is sloughing on the south lateral from the 6 inches of rain this spring (around 100 yds). County Road Supervisor Tim Faber said he will take care of the sloughing once the bean crop is off. There was no update regarding status.

Short Foot Creek: Trosen said the NRCS National Water Management Center has done a review of the current draft plan and provided comments. Trosen is working with the NRCS to address the comments. Cost-share for this project is exhausted.

Silver Lake Dam: Last month the Board received approval on the permit from DWR. Now that the permit has been approved, the Board can consider construction funding.

Trosen will apply for cost-share with both the SWC and the RRJWRD. The dam is experiencing erosion on the dam embankment. The proposal will be to excavate the eroded material and install erosion protection to prevent future erosion from occurring.

Costs: Trosen provided an updated cost estimate for the project; the total construction is estimated to be approximately $230,000. Trosen anticipates the SWC will approve 60% cost-share for the project, on eligible items (but it could potentially be lower), and 65% cost-share from the RRJWRD of the remaining balance. The cost to the district after cost-share would be paid out of the Tewaukon assessment district.

Trosen recommended the board solicit bids for this project so that they can be used when applying for cost-share.

This project is expected to start in the spring of 2027.

Tewaukon District: Chairman Siemieniewski and Sargent County Road Supervisor Tim Faber did an inspection of the area. Siemieniewski said that Faber mowed the area and he will check the progress in the spring. He added that additional spraying may be needed and that Faber will remove the sediment around the inlet.

Dam Inventory:
No update.

State Audit:
Schmiess said that she received an email from James Carroll, CPA for the ND State Auditor's office, saying the cost to the SCWRD for the audit was $5,723.18. Schmiess stated that in her time with the board, the SCWRD has never been responsible for any costs for the SCWRD's portion of the mandatory county audit. Schmiess reached out to Sargent County Auditor, Tia Bopp, and asked about the expense apportioned to the SCWRD. Bopp said that in years past, the SCWRD portion of the audit has been paid by the county. The county will consider audit costs at their next meeting on October 20th, including whether or not the County Commission will pay for all audit expenses for ALL county departments. Manager Speich moved, and Manager Stein seconded the motion, to approve payment of the SCWRD share of the audit in the amount of $5,732.18, in the even the County Commission elects not to pay the SCWRD's portion. Upon roll call vote, Managers Siemienieski, Stein, and Speich voted in favor, and Manager Wyum voted no. The motion carried. However, after more discussion, the Board agreed the amount apportioned to the SCWRD seemed excessive relative to the cost of the full audit. Manager Speich moved to rescind his previous motion. Manager Stein seconded this motion. Upon roll call vote, the motion carried unanimously. Schmiess will stay in contact with Auditor Bopp to see how the County Commission handles payment for the audit, and will report back to the Board at the November meeting.

NEW BUSINESS:

***Application to Install a Subsurface Water Management System No. 2026-16* for Applicant Paul Ellefson in the North Half of Section 32 in Milnor Township**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2026-16* filed September 25, 2026, by Paul Ellefson. Under the Application, Mr. Ellefson seeks to install a 283-acre drain tile system in the North Half of Section 32 in Milnor Township, Sargent County, North Dakota. The project will include a single gravity outlet that will discharge via an underground pipeline that will run from the Northeast Quarter of Section 32; the pipeline will run to the north, under 83rd Street SE, and will continue north along the west boundary of the Southeast Quarter of Section 29; the pipeline will daylight and discharge into an existing ditch on the Southeast Quarter of Section 29; the tile discharge will flow north in the ditch until flowing into a natural watercourse in the Southeast Quarter of Section 29; the watercourse flows to the northeast, through and across the Northeast Quarter of Section 29 and the Northwest Quarter of Section 28. The project will include eight surface inlets.

According to Sargent County tax parcel data, Loren and Patricia Ellefson own the North Half of Section 32 in Milnor Township, the property where Paul Ellefson intends to install the tile system. In addition, Loren and Patricia Ellefson own the Southeast Quarter of Section 29 where Paul Ellefson plans to install the project pipeline and outlet. Finally, with regard to downstream notices required under N.D. Cent. Code § 6132-03.1, Loren and Patricia Ellefson own the Southeast Quarter of Section 29. Because the project discharge flows into a natural watercourse, no additional downstream notices are required under Section 6132-03.1; however, in any case, Loren and Patricia Ellefson own the Northeast Quarter of Section 29 and the Northwest Quarter of Section 28. The Board will also provide notice to the Milnor Township Board of Township Supervisors in light of the installation of pipeline components in the Township's right of way.

Manager Speich moved, and Manager Wyum seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2026-16* filed September 25, 2026, for Paul Ellefson in the North Half of Section 32 in Milnor Township, and to authorize the SecretaryTreasurer to sign Subsurface Water Management Permit No. 2026-16, 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 project outlets.
3. Permittee will remove silt or vegetation or repair erosion or scour damages ***directly*** caused by Permittee's tile system, but only up to the point where the tile discharge flows into the natural watercourse in the Southeast Quarter of Section 29 in Milnor Township, in accordance with N.D. Cent. Code § 61-32-03.1.
4. 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 32 in Milnor Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
5. Permittee will apply for an amendment to Subsurface Water Management Permit No. 2026-16 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 #3, 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 Milnor Township Board of Township Supervisors to install any pipeline or other project components in the Township's right of way.

2. The Board recommends that Permittee obtain written consent from the owner of any land not owned by Permittee to install and maintain Permittee's tile system, pipeline, and outlet.

3. 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, Subsurface Water Management Permit No. 2026-16, and the downstream flow map to the Department of Water Resources, Loren and Patricia Ellefson, the Milnor Township Board of Township Supervisors, 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.

Milnor Township:
Kory Martinson was not in attendance and no culvert invoices have been submitted for cost-share.

***Application to Install a Subsurface Water Management System No. 2026-15* for Applicant Jason Bosse in the South Half of Section 1 in Southwest Township and the West Half of the Southwest Quarter of Section 6 in Brampton Township**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2026-15* filed September 16, 2026, by Jason Bosse. Under the Application, Mr. Bosse seeks to install a 305-acre drain tile system in the South Half of Section 1 in Southwest Township and the West Half of the Southwest Quarter of Section 6 in Brampton Township, Sargent County, North Dakota. The project in the West Half of the Southwest Quarter of Section 6 in Brampton Township will connect to the system in the South Half of Section 1 in Southwest Township via a pipeline under 120th Avenue SE. The project will include three pump outlets, all in the Southeast Quarter of Section 1 in Southwest Township. All three pump outlets will discharge on the Southeast Quarter of Section 1; the tile discharge from all three pumps will flow a short distance before flowing into Sargent County Drain No. 11, a legal assessment drain owned and operated by the Sargent County Water Resource District. The project will include two surface inlets.

According to Sargent County tax parcel data, Bradley and Rachael Hoistad and Jason Bosse jointly own the Southeast Quarter of Section 1 in Southwest Township and jointly own 151.19 acres in the Southwest Quarter of Section 1 in Southwest Township; and Jodi A. Bosse and Bruce E. Bosse, as Trustees of the Jodi A. Bosse Revocable Living Trust, own the West Half of the Southwest Quarter of Section 6 in Brampton Township. With regard to downstream notices required under N.D. Cent. Code § 6132-03.1, because the pumps will all outlet onto the Southeast Quarter of Section 1, and the discharge will flow into Drain No. 11, no downstream notices are required under Section 6132-03.1.

Manager Wyum moved, and Manager Stein seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2026-15* filed September 16, 2026, for Jason Bosse in the South Half of Section 1 in Southwest Township and the West Half of the Southwest Quarter of Section 6 in Brampton Township, and to authorize the SecretaryTreasurer to sign Subsurface Water Management Permit No. 2026-15, 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 all three pump outlets.
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 not install Permittee's tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the South Half of Section 1 in Southwest Township

and the West Half of the Southwest Quarter of Section 6 in Brampton Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).

5. Permittee will apply for an amendment to Subsurface Water Management Permit No. 2026-15 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 Brampton Township Board of Township Supervisors or the Southwest Township Board of Township Supervisors to install a pipeline or any other project components in township right of way (whichever Township is responsible for 120th Avenue SE).
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. 2026-15 to the Department of Water Resources, the Brampton Township Board of Township Supervisors, the Southwest Township Board of Township Supervisors, Bradley and Rachael Hoistad, Jodi and Bruce Bosse, 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.

Dickey-Sargent Joint Board

DSJTB bills for approval:

DVEC – electricity –	**$ 160.00**
Starion Bond Services- Bond interest $14,657.50/$490 fees	**$15,147.50**
Ohnstad Twichell- audit response/correspond.	**$ 77.50**

A motion was made by Manager Stein and seconded by Manager Wyum to pay the Dickey-Sargent Joint Board bills as presented. Upon roll call, the motion carried unanimously.

August 2026 Financials:

Maintenance Account Balance:	**$ 63,619.12**
Improvement Account Balance:	**$416,161.00**

State Audit: The board will table issuing payment for the state audit that the joint board was included in, to see what Sargent County's financial commitment will be for the payment of the county audit bill as a whole.

Richland-Sargent Drain #1 Maintenance Fund Financial Statement

Bills:

Ohnstad Twichell-bd. Mtg. $64.30; Phase 3 Project $2,064	**$ 2,128.50**

Manger Wyum made a motion to pay the bill as presented. Manager Speich seconded the motion. Upon roll call, the motion carried unanimously.

August 2026 Financials:	**$ 573,705.26**

With no further business, the meeting adjourned at 9:10 a.m.

APPROVAL:

_____
Luke Siemieniewski-Chairman

ATTEST:

_____
Wendy Schmiess
Secretary-Treasurer