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SARGENT COUNTY WATER RESOURCE DISTRICT

Meeting Minutes

Thursday, July 16th, 2026 at 8:18 a.m.

The Sargent County Water Resource District met on Thursday, June 18th, 2026, at 8:18 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 Roger Zetocha. Also present were Wendy Schmiess Secretary/Treasurer, Nathan Trosen of Moore Engineering, Lyle Bopp, Sargent County Commission and landowner Richard Ruch. The following were also present virtually: Attorney Katie Schmidt, Ohnstad Twichell; Andrew Smith, Moore Engineering; Yaping Chi, Water Resource Engineer, Reese Janke, and landowner Leon Malberg.

Public Comment: None

Minutes

Manager Zetocha moved to approve the June 18th, 2026 regular meeting minutes, the June 18th, 2026 public input meeting minutes, and the May 2026 financial statement. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

Bills

The Board considered the following bills:

Ohnstad Twichell- Bd. mtg. \$594; Lindvall App. \$130.40; Delahoyde App. \$756.50; Vculek 2026-06 App. \$124.70; Drain No. 9 Ext.-correspondence/public input mtg. \$510; Wild Rice Maintenance District-Review letter/statutes/public input mtg. \$510
Total: \$2,625.60

Moore Engineering-SLD-correspondence w/ NDDWR/updates to proj. plans \$2,320.25; Mtgs. \$1,819.50; mileage \$266.80; Drain No. 9-meeting/landowner correspondence/site inspection \$912.00
Total: \$5318.55

Manager Stein 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:

No update

Drain No. 4:

No update.

Drain No. 2:

At the Board's January meeting, the Board noted that the cleanout project ended up being more significant than anticipated. With that in mind, the Board transferred \$70,000 from a CD (general fund dollars) into the Drain No. 2 account to cover any drain fund shortfall as a result of the additional clean-out work necessary; the Board agreed the Drain No. 2 fund could then re-pay the general fund when funds become available.

Manager Wyum moved to transfer \$25,000 from the Drain No. 2 fund into the general fund, as partial repayment for the \$70,000 previously loaned to the Drain No. 2 fund from the general fund. Manager Stein seconded the motion. Upon roll call, the motion carried unanimously.

Drain No. 7:

Chairman Siemieniewski noted that there are a lot of trees along the drain and he has asked the Sargent County Road Dept. to help with removing them. Manager Stein said he would like to get a hold of D.L. Barkie and see if they have time to do some spraying. Trosen will provide Barkie's contact information to Stein.

It was also noted that the beavers have made a mess along the drain downstream of County Road 12. Sargent County Road supervisor Tim Faber has a quote to remove the beaver dams along the natural and it will cost around \$5,000. Chairman Siemieniewski asked if we can use general funds to help with the cost of the removal. A motion was made by Manager Zetocha and seconded by Manager Wyum to pay up to \$2,500 of the cost of the beaver dam removal with the contingency that the SC Commission is on board to

pay the other half. Upon roll call, the motion carried unanimously.

Drain No. 9:

As previously discussed 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 stream crossing standards. Trosen 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.

Trosen, Chairman Siemieniewski and Administrator Schmiess attended the Sargent County Commission meeting on July 7th to discuss a 40% cost-share with the county for this crossing. The Commission approved the 40% cost-share request to replace the existing culvert with the box culvert option, pending the solicitation of bids. The Commission said they may take the option to reimburse the SCWRD over a 6-year time period.

Manager Stein reported that the 127th Ave SE crossing may be in need of repair as well. There was a discussion of timing of the potential two culvert replacements, estimated costs, and bidding requirements. Ultimately the Board agreed to review both culverts at their upcoming drain tour and discuss further at the August meeting. Trosen said he will refine the cost estimates for both culvert crossings for the discussion at next month’s meeting.

The Board conducted a public informational meeting on 6/18/26 to discuss the potential Improvement and Upstream Extension Project to Sargent County Drain No. 9 and the potential Wild Rice River Maintenance District project. The sentiment of the landowners/renters in attendance was unanimous to pursue the Wild Rice Maintenance District Project and to hold off on the Drain No. 9 Extension Project until landowners and the Board can determine how effective the Wild Rice maintenance activities prove to be.

Trosen expects the cost for Moore to finalize the plan for the Wild Rice Maintenance District project to be around \$15,000. This fee would include finalizing benefits, visual review, formal engineering report, helping with ballots and attending the hearing.

A motion was made by Manager Stein and seconded by Manager Zetocha to direct Moore Engineering and Ohnstad Twichell to prepare the documents necessary to proceed with an assessment vote to create the Wild Rice Maintenance District, not exceed \$25,000 in cost. Upon roll call, the motion carried unanimously.

Drain No. 8:

No update.

Cogswell Tile: The SCWRD submitted a grant request through the NDDES for this study in 2023. The NDDES has approved/awarded this project under the 2023 BRIC Grant in the amount of \$75,000 with a cost share of 75/25. The federal funding would be \$56,250 and the local share would be \$18,750. Trosen said that after the completion of the study, it is unlikely additional BRIC funding would be made available for design and construction of a project.

After much discussion, a motion was made by Manager Stein and seconded by Manager Zetocha to send a formal denial letter to the NDDES for the cost-share. Upon roll call, the motion carried unanimously.

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 the DWR had a question regarding types of geotextile materials that will be used in this project. Moore provided the requested detail but as a result of this question, further review by the DWR is necessary. Trosen said that the State has not issued a permit for this project at this point.

Tewaukon District:

No update.

Dam Inventory:

No update.

NEW BUSINESS:

2026 Drain Tour:

The Managers set a date to do a county drain tour: Friday July 24th, 2026 starting at 8:00 a.m.

Application to Install a Subsurface Water Management System No. 2026-08 for Applicants Matthew McLaen and Klefstad/McLaen Family Partnership LLLP in Section 23 and the North Half of Section 26 in Taylor Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2026-08* filed June 30, 2026, by Matthew McLaen and Klefstad/McLaen Family Partnership LLLP, a North Dakota limited liability limited partnership. Under the Application, Mr. McLaen and Klefstad/McLaen Family Partnership LLLP seek to install a 675-acre drain tile system in all of Section 23 and the North Half of Section 26 in Taylor Township, Sargent County, North Dakota. The project will include four gravity outlets in the Northeast Quarter of Section 23, two gravity outlets in the Southeast Quarter of Section 23, and two gravity outlets in the Northeast Quarter of Section 26; all eight outlets will discharge directly into Wild Rice Creek. The tile plan does not indicate any project components will be installed within any township road right of way.

According to Sargent County tax parcel data, Klefstad/McLaen Family Partnership LLLP owns the West Half and the Southeast Quarter of Section 23 and the North Half of Section 26 in Taylor Township, and Matthew and Brianna McLaen own the Northeast Quarter of Section 23, where Permittees intend to install the tile system. Because the project outlets will all discharge into a natural watercourse, no downstream notices are required under N.D. Cent. Code § 61-32-03.1.

Manager Wyum moved, and Manager Stein seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2026-08* filed June 30, 2026, for Matthew McLaen and Klefstad/McLaen Family Partnership LLLP in Section 23 and the North Half of Section 26 in Taylor Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2026-08, subject to the following conditions:

1. Permittees will re-establish any areas disturbed installing or maintaining Permittees' tile system.
2. Permittees will install and maintain erosion protection at any and all outlets into Wild Rice Creek.
3. Permittees will not install Permittees' tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in Section 23 and the North Half of Section 26 in Taylor Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
4. Permittees will apply for an amendment to Subsurface Water Management Permit No. 2026-08 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 Permittees' permit. However, for Permittees' protection, and to ensure protection of Permittees' tile system, the Board recommends that Permittees comply with the following:

1. The Board recommends that Permittees obtain written consent from the Taylor Township Board of Township Supervisors if Permittees intend to install any project components in the Township's right of way.
2. The Board recommends that Permittees 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. 2026-08 to the Department of Water Resources, the Taylor Township Board of Township Supervisors, and Southeast Water Users District. Permittees' 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. 2026-09 for Applicant David Rasmussen in the Northwest Quarter of Section 29 in Weber Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2026-09* filed July 6, 2026, by David Rasmussen. Under the Application, Mr. Rasmussen seeks to install an 86-acre drain tile system in that portion of the Northwest Quarter of Section 29 in Weber Township, Sargent County, North Dakota, lying north of Dakota Missouri Valley & Western Railroad's right of way. The project will include a single pump outlet located in the northeast corner of the Northwest Quarter of Section 29, either in

or near the south road ditch along 100th Street SE; the tile discharge will flow east in the south road ditch along 100th Street, along the north boundary of the Northeast Quarter of Section 29, through Dakota Missouri Valley & Western Railroad's right of way, and will continue east along the north boundary of the Northwest Quarter of Section 28.

According to Sargent County tax parcel data, David and Jessica Rasmussen own the Northwest Quarter of Section 29 in Weber Township, Sargent County, North Dakota, lying north of Dakota Missouri Valley & Western Railroad's right of way. With regard to downstream notices one mile downstream of the project outlet, as required under N.D. Cent. Code § 61-32-03.1, Sally L. Smith, as Trustee of the Sally L. Smith Revocable Trust, owns the Northeast Quarter of Section 29; Dakota Missouri Valley & Western Railroad owns its right of way in Section 29; and Dennis B. Goltz and the Goltz Family Land Trust own the Northwest Quarter of Section 28 in Weber Township.

Manager Zetocha moved, and Manager Wyum seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2026-09* filed July 6, 2026, for David Rasmussen in the Northwest Quarter of Section 29 in Weber Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2026-09, 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 the project outlet into the Weber Township Board of Township Supervisors' road 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 Northwest Quarter of Section 29 in Weber 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. 2026-09 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, 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 Weber Township Board of Township Supervisors if Permittee intends to install any project components in the Township's right of way.
2. The Board recommends that Permittee obtain written consent from the Weber Township Board of Township Supervisors to discharge into or otherwise utilize any of the Township's right of way.
3. The Board recommends that Permittee obtain written consent from Dakota Missouri Valley & Western Railroad to discharge through any of DMVW's right of way.
4. 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. 2026-09, and downstream flow map to the Department of Water Resources; the Weber Township Board of Township Supervisors; Dakota Missouri Valley & Western Railroad; Sally L. Smith, as Trustee of the Sally L. Smith Revocable Trust; Dennis B. Goltz and the Goltz Family Land Trust; 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.

File cabinet:

Schmiess said that the board is in need of another file cabinet to house tile applications. A quote was provided by Schmiess. Commissioner Bopp said there might be cabinets of the size Schmiess is looking for on the state surplus site. Schmiess will do some checking and will report back next month.

Sargent County Water Resource District 2026 Budget:
The board went through the budget line items for all general accounts, legal drains, as well as all maintenance levies and levy amounts . Manager Stein made a motion that was seconded by Manager Wyum to approve the budget as drafted. Upon roll call, the motion carried unanimously.

Dickey-Sargent Joint Board

<u>DSJTB bills for approval:</u>	
DVEC - electricity -	\$ 201.00
 <u>May 2026 Financials:</u>	
Maintenance Account Balance:	\$ 66,757.90
Improvement Account Balance:	\$414,256.77

Richland-Sargent Drain #1 Maintenance Fund Financial Statement

<u>Bills:</u>	
<u>May 2026 Financials:</u>	\$ 574,235.54

With no further business, the meeting adjourned at 9:42 a.m.

APPROVAL:

Luke Siemieniewski-Chairman

ATTEST:

Wendy Schmiess
Secretary-Treasurer