

SARGENT COUNTY WATER RESOURCE DISTRICT
Meeting Minutes
Thursday, October 16th, 2025 at 8:00 a.m.

The Sargent County Water Resource District met on Thursday, October 16th, 2025, 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: Vice-Chairman Michael Wyum, Managers Todd Stein, Bruce Speich, and Roger Zetocha. Also present were Wendy Schmiess Secretary/Treasurer, and Nathan Trosen, Moore Engineering. The following were also present virtually: Attorneys Sean Fredricks, Katie Schmidt and Stephen Hilfer, Ohnstad Twichell; Andrew Smith of Moore Engineering; landowner Leon Mallberg; and an unidentified “LM” attendee.

Public Comment: None

Minutes

Manager Stein moved to approve the September 18th, 2025 regular meeting minutes, the September 29th, 2025 special meeting minutes, and the August 2025 financial statement. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Bills

The Board considered the following bills:

Ohnstad Twichell- Jerry Schneider NDDOT Request \$549; Christ Pearson Tile App. \$1,010; Stockstad Tile App. \$1,059; Mtgs. \$629; Drain No. 9 Ext.- correspondence/review easements \$854.78; Drain No. 11-Release electronic recordation correspondence \$120.20

Total: \$4,221.98

Moore Engineering- Silver Lake Dam costs-Review plan/prepare construction permit/finalize EAP's

Total: \$3,892.50

Elliot Hayen-2 beavers along Drain No. 11

Total: \$100.00

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

UNFINISHED BUSINESS:

Drain No. 11:

Chairman Siemieniewski has been working with a contractor to get the Drain sprayed. Manager Stein commented that the contractor's drone used for spraying had crashed. Now with harvest in full swing, the spraying will most likely have to wait until next spring.

Drain No. 4:

No update.

Drain No. 2:

No update.

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

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

Drain No. 9:

Levi Hanson of Moore Engineering researched ownership of the duck ponds and found easements for the ponds belonging to the SCWRD. Trosen said at one time there might have been coordination and cost-share between the SCWRD and federal and/or state agencies, including USF&W and SCS. Trosen will review the Board's files. Any agreements with those agencies may provide insight into what authority the Board has regarding the ponds.

There is one step left to complete in the hydraulic analysis of County Rd. 5. The 72" culvert under the crossing does not meet stream crossing standards. Moore is looking at an option that would include replacing the 72" culvert with an 8' x 6' box culvert. If the 72" culvert is left in place, the area would require an additional 48" culvert increasing the flow capacity 30%. The cost of adding a box culvert would range from \$100-150,000, but this cost could be higher.

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

Drain No. 8:

Trosen of Moore Engineering reported he met with a representative from Ellingson Tile to discuss the potential option of burying a pipe in the drain. Landowners have been working with Ellingson Tile to investigate a buried pipe option. Additionally, the District's study that is funded by NDDES included an investigation of a buried pipe option as well but that work has been on hold while the District works to see how the landowners would like to proceed with the study. Trosen will continue to work on this Drain study that will identify and analyze options for improving the Drain, and will continue to communicate with Ellingson Tile. Once the study is completed by Moore Engineering, the City of Rutland and the Board will have a better sense for options and possible costs. Vice-Chairman Wyum said the City of Rutland may be interested in taking over the Drain. Manager Zetocha said that it is important to continue with the study to provide the most complete information to all involved in making a decision on drain improvements. Trosen said that it may be helpful to circulate a petition to the landowners regarding whether they would like to simply abandon the Drain. Trosen also stressed that it is important to remember that this process is landowner-driven.

Cogswell Tile:

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

Drain No. 12: No update.

Short Foot Creek: Trosen reported that Moore is continuing to work with the local NRCS state staff on finalizing the watershed plan to submit to NRCS headquarters for approval.

Silver Lake Dam:

Trosen said that the plans are complete. Once the permit is approved, the district can apply for cost-share through the RRJWRD & the DWR.

Tewaukon District:

The Emergency Action Plans (EAPs) for both Brummond-Lubke and Nelson Dams are complete and have been approved by the SCWRD. Moore is working on obtaining concurrence signatures needed for the EAPs.

NEW BUSINESS:

Application to Install a Subsurface Water Management System No. 2025-07 for Phyllis Nelson in the North Half and the Southwest Quarter of Section 34 in Kingston Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-07* filed October 6, 2025, by Applicant Phyllis Nelson. Under the Application, Applicant seeks to install a 117-acre drain tile system in the North Half and the Southwest Quarter of Section 34 in Kingston Township, Sargent County, North Dakota. The project will include four gravity outlets, three in the Northwest Quarter of Section 34 and one in the Southwest Quarter of Section 34; all four outlets will discharge directly into Richland-Sargent Drain No. 1, a legal assessment drain owned and operated by the Richland-Sargent Joint Water Resource District.

According to Sargent County tax parcel data supplied by Applicant, Phyllis M. Nelson and David R. Nelson, as Trustees of the Nelson Family Trust, own the North Half and the Southwest Quarter of Section 34 in Kingston Township. Because the project outlets will all discharge into a legal assessment drain, no downstream notices are required 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. 2025-07* filed October 6, 2025, for Phyllis Nelson in the North Half and the Southwest Quarter of Section 34 in Kingston Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-07, 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 Richland-Sargent Drain No. 1.
3. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the North Half and the Southwest Quarter of Section 34 in Kingston Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
4. Applicant will apply for an amendment to Subsurface Water Management Permit No. 2025-07 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 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.

Fredricks will provide copies of the Board's Notice of Decision and Subsurface Water Management Permit No. 2025-07 to the Department of Water Resources and Southeast Water Users District. Applicant's detailed project design map is an exempt record, and Fredricks will not provide copies to any third parties.

Application to Install a Subsurface Water Management System No. 2025-08 for Eric Delahoyde in the Northeast Quarter of Section 10 and the Northwest Quarter of Section 11 in Sargent Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-08* filed October 13, 2025, by Applicant Eric Delahoyde. Under the Application, Applicant seeks to install a 197-acre drain tile system in the Northeast Quarter of Section 10 and the Northwest Quarter of Section 11 in Sargent Township, Sargent County, North Dakota. The project in the Northwest Quarter of Section 11 will connect to the project in the Northeast Quarter of Section 10 via two pipelines under 124th Avenue SE. The project will include two pump outlets, both located in the northeast corner of the Northeast Quarter of Section 10. The pumps will discharge into the south road ditch along 91st Street SE; the discharge will flow west in the south road ditch, along the north boundary of the Northwest Quarter of Section 10 and the Northeast Quarter of Section 9 and will ultimately flow into Sargent County Drain No. 11.

According to Sargent County tax parcel data, with regard to the property Applicant intends to tile, Sharon Hayen and Christopher Skeldum own the Northeast Quarter of Section 10 in Sargent Township; Tim and Nancy Hayen own the East 53 rods of the Northwest Quarter of Section 11; Dan and Phyllis Delahoyde own the middle 53 rods of the Northwest Quarter of Section 11; and Nancy Mathews and Dan and Phyllis Delahoyde own the West 54 rods of the Northwest Quarter of Section 11. With regard to downstream property owners, Farrar Farm Family Irrevocable Trust owns the Northwest Quarter of Section 10 and the Northeast Quarter of Section 9.

Manager Speich moved, and Manager Zetocha seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-08* filed October 13, 2025, for Eric Delahoyde in the Northeast Quarter of Section 10 and the Northwest Quarter of Section 11 in Sargent Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-08, 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 Sargent 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 will remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to one mile downstream of the project outlet, in accordance with N.D. Cent. Code § 61-32-03.1.
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 Northeast Quarter of Section 10 and the Northwest Quarter of Section 11 in Sargent Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
6. Applicant will apply for an amendment to Subsurface Water Management Permit No. 2025-08 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.

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 downstream landowners or road authorities that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring, all in accordance with N.D. Cent. Code § 61-32-03.1.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit.

However, for Applicant’s protection, and to ensure protection of Applicant’s tile system, the Board recommends that Applicant comply with the following:

- 1. The Board recommends that Applicant obtain written consent from the Sargent Township Board of Township Supervisors to install any project components within any of the Township’s road right of way.
- 2. The Board recommends that Applicant obtain written consent from the Sargent Township Board of Township Supervisors to discharge into the 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. 2025-08, and Applicant’s downstream flow map to the Department of Water Resources, Southeast Water Users District, Sargent Township, Sharon Hayen and Christopher Skeldum, Tim and Nancy Hayen, Dan and Phyllis Delahoyde, Nancy Mathews (c/o the Delahoydes), and Farrar Farm Family Irrevocable Trust. Applicant’s detailed project design map is an exempt record, and Fredricks will not provide copies to any third parties.

Moore Engineering On-Line Web Map:

Trosen presented Moore’s online WebMap services. The WebMap is a website where stakeholders could view GIS data of the District including drain locations, assessment districts, dams, etc.

The Moore Engineering GIS team has estimated the creation of a WebMap for the District would cost \$12,500. Additionally, annual updates would be anticipated, such as uploading new parcel data, permit files, etc. Trosen estimates it would cost \$1,000-\$2,000 annually to continue to update the WebMap.

The managers decided to table this discussion until the November meeting.

Dickey-Sargent Joint Board

DSJTB bills for approval:

DVEC – electricity –	\$	331.00
Ohnstad Twichell-Bd. Mtg.	\$	51.00

A motion was made by Manager Zetocha and seconded by Manager Stein to approve the bills as presented. Upon roll call, the motion carried unanimously.

August 2025 Financials:

Maintenance Account Balance:	\$	51,933.81
Improvement Account Balance:	\$	345,592.83

Richland-Sargent Drain #1 Maintenance Fund Financial Statement

- 1) **Bills:**
Ohnstad Twichell- Draft exhibit petition/emails/correspondence
/prepare SB2180 \$ 1,332.50
- 2) **Moore Engineering-Mtg./Deobligation letter/calls** \$ 393.75

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

<u>August 2025 Financials:</u>	\$483,704.77
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With no further business, the meeting adjourned at 9:10 a.m.

APPROVAL:

Michael Wyum, Vice- Chair

ATTEST:

Wendy Schmiess
Secretary-Treasurer