

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, March 19th, 2026 at 8:00 a.m.**

The Sargent County Water Resource District met on Thursday, February 19th, 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: Vice-Chairman Michael Wyum, Managers Todd Stein, Bruce Speich and Roger Zetocha. Also present were Wendy Schmiess Secretary/Treasurer, Andrew Smith of Moore Engineering, Lyle Bopp, Sargent County Commissioner, and landowner Richard Ruch. The following were also present virtually: Attorneys Sean Fredricks and Katie Schmidt, Ohnstad Twichell; Nathan Trosen and Josh Hassell, Moore Engineering; and landowner Leon Mallberg.

Public Comment: None

Minutes

Manager Stein moved to approve the February 19th, 2026 regular meeting minutes, and the January 2026 financial statement. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Bills

The Board considered the following bills:

Ohnstad Twichell- Meetings/correspondence/bond debt services
Total: \$2,399.50

Moore Engineering- SFC-Task 6 \$1,948.25; Drain No. 8-Hydraulic model \$2,724.00; Drain No.7-historic document research \$252.00; SLD-construction permit \$2,945.50; DAM EAP's (Nelson-\$227.00)(Brummond Lubke-\$190.50); Drain No. 9 Ext.-studies/reports \$729.00; Wild Rice River Feasibility Study-studies/reports \$3,371.50; meetings \$1,710.00; mileage \$133.40
Total: \$14,231.15

Starion Bond Services- (Drain No. 11 2022A \$11,817.50 interest/\$285,000.00 principal/\$705.00 fees; 2022B \$2716.25 interest/\$205,000.00 principal/\$705 fees); (Drain No. 12 2020A \$315.00 interest/\$70,000.00 principal/\$705 fees; 2020B \$247.50 interest/\$55,000.00 principal/\$705.00 fees); (Drain No. 7 2022C \$7,500.00 interest/\$120,000.00 principal/\$605.00 fees; 2022D \$3,100.00 interest/\$50,000.00 principal/\$605.00 fees)
Total: \$814,726.25

Rutland Township- 48"x40' culvert (1/3 cost-share \$1,898); (2) 36" x 30' culvert (1/3 cost-share \$1,368); 36" x 24" band (1/3 cost-share \$66.12)
Total: \$3,332.12

Sargent County Treasurer- taxes Drain No. 4-\$651.80; Drain No. 7- \$18.76
Total: \$670.56

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:

Manager Zetocha commented that there are trees growing along the drain south of Highway 11. The board will take a look at this area on their spring drain tour.

Drain No. 4:

No update.

Drain No. 2:

No update.

Drain No. 7:

No update.

Drain No. 9:

No update.

Drain No. 9 Extension:

Andrew Smith of Moore Engineering said the draft benefit analysis is ongoing as Moore is working on making updates per the Board's comments from the last meeting. Mr. Smith reported that he expects the draft results to be provided at the Board's April meeting.

Wild Rice River Maintenance District:

Trosen said the draft benefit analysis is ongoing as Moore is working on making updates per the Board's comments from the last meeting including additional modeling to determine how far upstream the project benefits commence. Trosen reported that he expects the draft results to be provided at the Board's April meeting.

Drain No. 8: Trosen reported Moore is working on the study to look at potential project alternatives to Drain 8. Trosen said he will research a 2-5 year events for the pipe size of the buried pipe alternative. He noted the Board could also consider a 10-year event. Trosen hopes to have a plan to present to the board in April. After the plan is reviewed by the board, Trosen will circle back with Ellingson.

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 through the tile.

Drain No. 12:

The final bond payment for this drain is due. The Board previously had to conduct some maintenance and, as a result, the drain fund does not contain sufficient funds to make the bond payment. A motion was made by Manager Stein and seconded by Manager Zetocha to cash CD #14417 and deposit the funds into the general fund, to place those funds into the general fund, and to transfer funds from the general fund to the Drain 12 fund as necessary to make the requisite Drain 12 bond payment. Upon roll call, the motion carried unanimously.

Sean Fredricks noted water resource districts have legal authority to utilize general fund dollars to cover any shortfalls in legal assessment drain funds under NDCC 61-16.1-06. Fredricks later noted Section 61-16.1-06 provides, in relevant part: "...The acquisition of rights of way, easements, and the construction, operation, and maintenance of a *project* in a district may, in the discretion of the water resource board, be financed in whole or in part by special assessments against property benefited by such project, *or from revenues realized from general tax collections*, or from net revenues to be derived from service charges to be imposed and collected for the services of the project, or any combination of such sources." Under this statute, a WRD may use general funds to fund and finance "project" costs (in addition to special assessments, etc.). Further, NDCC 61-16.1-02(14) defines "Project" as follows:

14. "Project" means any undertaking for water conservation; flood control; water supply; water delivery; erosion control and watershed improvement; *drainage of surface waters*; collection, processing, and treatment of sewage; discharge of sewage effluent; or any combination of purposes in this subsection, and includes incidental features of the undertaking.

In this case, Drain 12 is a legal drain, and the definition of "Project" (for which a WRD may utilize general funds) includes drains. Further, the assessment statutes (NDCC 61-16.1-15 through 61-16.1-22) refer to assessment "projects."

Short Foot Creek: Josh Hassel of Moore Engineering stated he received consultation back from the tribes relating to the planning effort. No historic impacts were found, so now the plan can move forward and is currently in the hands of the NRCS. The steps moving forward will be having the state review the plan and then it will be passed to the national water management department for their review. After the national review, the plan will be sent for a problematic review. A future public meeting will take place with the landowners.

Silver Lake Dam: Moore Engineering reported that the permit applications have been submitted and we are now waiting on the Department of Water Resources review.

Tewaukon District: The Board has been working on EAPs for both Brummond-Lubke and Nelson Dams. The expenses and cost-share revenue have previously been run through the general fund, under the dam line item. However, due to the dams being within the Tewaukon assessment area, the expenses and cost-share revenue will be run through the Tewaukon fund. Previous transactions will be moved from the general fund to the Tewaukon fund. Schmiess will work with Auditor Bopp to make the adjustments.

The district asked Trosen for condition reports for: Brummond-Lubke, Nelson and Frenier Dams.

Many dams don't have maintenance districts to fund operation, maintenance, and repairs, and some have

small benefit areas that create a minimal assessment value. Many districts are struggling to fund these projects as a result. The Red River Joint Board has requested that Districts send them a list of dams in their respective counties and include assessment information if any.

Trosen offered to create the list for Sargent County. He will share the list with the Red River Joint Board.

NEW BUSINESS:

No new business.

OLD BUSINESS:

Harvey Bergstrom Tile Application:

Application to Install a Subsurface Water Management System No. 2025-11 for Harvey Bergstrom in the North Half and the Southeast Quarter of Section 25 and the West Half of Section 36 in Shuman Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-11* re-filed February 23, 2026, by Applicant Harvey Bergstrom. Under the Application, Applicant seeks to install a 255-acre drain tile system in the North Half and the Southeast Quarter of Section 25 and the West Half of Section 36 in Shuman Township, Sargent County, North Dakota. The project will include three outlets. The first outlet will be a pump along the east boundary of the Northeast Quarter of Section 25; the pump will discharge into a pipeline in the west road ditch along County Highway 12; the pipeline will run to the south, in the west road ditch along County Highway 12 and the east boundary of the Northeast Quarter of the Southeast Quarter of Section 25; the pipeline will daylight and discharge into the west road ditch along the east boundary of the Southeast Quarter of the Southeast Quarter of Section 25; from there, the discharge will flow to the southwest and will ultimately flow into the system in the West Half of Section 36.

The system in the Southeast Quarter of Section 25 will connect to the system in the West Half of Section 36 via a line that will run from the southwest corner of the Southeast Quarter of Section 25 to the northeast corner of the Northwest Quarter of Section 36; the system will include a gravity outlet that will discharge directly into Crooked Creek in the Northwest Quarter of Section 36. In addition, the system will include a second gravity outlet that will discharge via a line that will run a short distance to the east, onto a portion of the Southeast Quarter of Section 36; the pipeline will daylight and discharge directly into Crooked Creek in the Southeast Quarter of Section 36.

According to Sargent County tax parcel data, Harvey and Judith Bergstrom own that portion of the Northeast Quarter of Section 25 Applicant intends to tile; John and Marilyn Lunneborg own that portion of the Northwest Quarter of Section 25 Applicant intends to tile; Judy Bergstrom owns that portion of the Southeast Quarter of Section 25 Applicant intends to tile; and Gary Kratcha owns the West Half of Section 36 in Shuman Township. Michael Gaukler and Lisa Ringstad own the Southeast Quarter of Section 36, where Applicant intends to install a small segment of pipeline and a gravity outlet. With regard to downstream notices required under N.D. Cent. Code § 61-32-03.1 regarding the pump outlet in the Northeast Quarter of Section 25, according to tax parcel data, Judy Bergstrom owns the Southeast Quarter of Section 25 and Gary Kratcha owns the West Half of Section 36. With regard to the two gravity outlets in Section 36, because the outlets will discharge directly into a natural watercourse, no downstream notices are required under Section 61-32-03.1.

Commissioner Bopp indicated the ownership of some of the Bergstrom parcels has changed. Although the tile statute requires Applicants to submit tax parcel data, Fredricks indicated he would conduct a deed search to double-check ownership. His search revealed that, while ownership of the Northeast Quarter of Section 25 has not changed, ownership of the Southeast Quarter of Section 25 has changed. More specifically, Kari Vien and Kayla Holtman now own the Southeast Quarter of Section 25, less the west 10 acres, subject to a life estate in Harvey and Judith Bergstrom.

Manager Speich moved, and Manager Zetocha seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-11* filed February 23, 2026, for Harvey Bergstrom in the North Half and the Southeast Quarter of Section 25 and the West Half of Section 36 in Shuman Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-11, 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 County Highway 12 right of way.
3. Applicant will install and maintain erosion protection at any and all outlets into Crooked Creek.
4. 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 Southeast Quarter of Section 25 and the West Half of Section 36 in Shuman Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).

5. 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.
6. Solely with regard to the pump outlet in the Northeast Quarter of Section 25, 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 outlet, in accordance with N.D. Cent. Code § 61-32-03.1.
7. Applicant will apply for an amendment to Subsurface Water Management Permit No. 2025-11 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 #6, 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 County Highway Department to discharge into, or to install any project components within, any of the Highway Department’s road right of way.
2. The Board recommends that Applicant obtain written consent from the Shuman Township Board of Township Supervisors to install any project components within any of the Township’s road right of way.
3. The Board recommends that Applicant obtain and record easements from the owners of the Northwest Quarter of Section 25, the Southeast Quarter of Section 25, the West Half of Section 36, and the Southeast Quarter of Section 36 in Shuman Township to install and maintain any project components on those parcels.
4. The Board recommends that Applicant 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.

Sean Fredricks will provide copies of the Board’s Notice of Decision, Subsurface Water Management Permit No. 2025-11, and Applicant’s downstream flow map to the Department of Water Resources, the Sargent County Highway Department, Shuman Township, Southeast Water Users District, John and Marilyn Lunneborg, Kari Vien and Kayla Holtman, Judy Bergstrom, Gary Kratcha, Michael Gaukler, and Lisa Ringstad. Applicant’s detailed project design map is an exempt record, and Fredricks will not provide copies to any third parties.

Dickey-Sargent Joint Board

DSJTB bills for approval:

DVEC - electricity -	\$	160.00
Ohnstad Twichell-bond coverage	\$	68.00
Starion Bond Services- (\$16,57.50 interest; \$160.00 principal; \$605 fees)		\$176,862.50

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

January 2026 Financials:

Maintenance Account Balance:	\$	59,687.03
Improvement Account Balance:		\$457,552.29

Richland-Sargent Drain #1 Maintenance Fund Financial Statement

Bills:

Ohnstad Twichell- state bond funding app.	\$	28.00
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A motion was made by Manager Speich and seconded by Manager Zetocha to approve the bill as presented. Upon roll call, the motion carried unanimously.

January 2026 Financials:

\$ 541,066.27

With no further business, the meeting adjourned at 8:42 a.m.

APPROVAL:

Michael Wyum, Vice-Chairman

ATTEST:

Wendy Schmiess
Secretary-Treasurer