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, November 19th, 2026 at 8:15 a.m.

The Sargent County Water Resource District met on Thursday, November 19th, 2026 at 8:15 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, Roger Zetocha and Bruce Speich. Also present were Wendy Schmiess Secretary/Treasurer, Nathan Trosen of Moore Engineering, David Fiala, Richard Ruch, Luverne Colby, Logan Erickson, Bernie Planteen, Marcia Asche, Scott and Jess Zirnhelt, AJ Enderson, and Phillip Enderson. The following were also present virtually: Attorneys Sean Fredricks, Stephen Hilfer, Lukas Andrud, and Katie Schmidt, Ohnstad Twichell; Andrew Smith of Moore Engineering; and RSJWRD Manager Arv Burvee.

Public Comment: None

Minutes
Manager Speich moved to approve the October 15th, 2026 regular meeting minutes and the September 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- SLD-email/construction contract $765; Bosse St. Line App.-$126.92; Delahoyde App.-$134.84; P. Ellefson App.-$732.40; Mtgs/ correspondence $810; J. Bosse App.-$693.86; Drain No. 9-construction contract $1,020; Drain No. 7-encroachment $722.50; Wild Rice River Maint. District-correspondence/benefit analysis $331.50
Total: $5,337.02

Moore Engineering- Drain No. 9-bid pkg. for CR-5 box culvert $3,516; Drain No. 7-ROW Milnor $2,027.75/Cty. stickers $59.41; SLD-project plans/cost estimate $3,183; Mtgs.-$1,062.50; Permits-$114; Mileage-$139.84; Wild Rice River Feasibility Study-benefit analysis $3,587
Total: $13,689.50

Sargent County- Frenier Dam-tree shredding $750/excavator $450; Drain No. 2-mow trees $750; Drain No. 11-Culvert $608/flap gate $731.13/labor $750; Drain No. 7-grind trees $10,000/clean culvert $675/clean culvert $675/remove beaver dams $4,800
Total: $20,189.13

North Dakota Water Users Association-Dues **Total: $500.00**

Glen Hofer- (2) beavers @ $50 **Total: $100.00**

Benjamin Hofer- (2) beaver @ $50 **Total: $100.00**

Elliot Hayen- (3) beavers @ $50 **Total: $150.00**

North Dakota Water Resource District Assoc.- dues **Total: $700.00**

Sargent County- 50% of Red River Basin Comm.- dues **Total: $1735.50**

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:
No update.

Drain No. 7:
Utility Permit: Brian Anderson
Brian Anderson has been working with Greg Meyer from Moore Engineering on a project to modify a wetland that outlets into Drain No. 7. The project will require modifications to the Drain No. 7 berm and intercept culvert that is within the District's ROW. Anderson proposes to weld a 12 inch plate on an existing 24" culvert to slow the flow and keep water in the wetlands longer. The area inundated by the proposed project is completely within the landowner's property and no other landowners will be impacted. Additionally, Anderson's project will include installation of riprap to provide additional erosion protection to the Drain. Trosen did not have any concerns with the project. Sean Fredricks prepared a Utility Permit and Mr. Anderson has signed and returned the Utility Permit for the Board's consideration.

Manger Wyum moved to approve the Utility Permit for Brian Anderson. Manager Speich seconded the motion. Upon roll call, the motion carried unanimously. Under the terms of the Permit form prepared by Fredricks, Mr. Anderson is responsible for reimbursing the Board for the costs of preparation of the Utility Permit. Secretary/Treasurer Schmiess will request reimbursement from Anderson following the Board's payment of all associated costs.

The Board previously discussed encroachments by landowners and their tenants onto the Drain 7 berm, upstream of Milnor, with one landowner actually going over the berm. At the October SCWRD meeting, the Board authorized the Chair to sign letters to the landowners and authorized Secretary/Treasurer Schmiess to send the letters. In addition, 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. The Managers have not heard anything from landowners in response to the letters and since the area has been staked. Trosen indicated he could arrange for installation of more signs if the Board concludes more signs are necessary.

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 Engineering has completed the plans necessary to solicit for bids and Attorney Fredricks has drafted a construction agreement. Trosen sent the plans to Damon DeVillers, Interstate Engineering, who is the engineer for Sargent County. The County has already passed a motion to approve the county's 40% cost-share for this project, as required by statute. Following DeVillers' review, Trosen will solicit bids for installation of new box culverts at County Road 5. Moore will solicit bids from JBX, Comstock, JAV Construction and any other contractors the SCWRD suggests.

Wild Rice River Maintenance District:
Before proceeding with an assessment vote to create a 'maintenance district,' the Board will have to determine how to proceed with right of way acquisition for the district. The Board recognizes the necessity for permanent easements to conduct the initial clean-out but also for future clean-out operations. Trosen presented a map showing the proposed easement areas, including widths, acres, and impacted landowners. With right of way included, Trosen estimates a total project cost of approximately $600,000, which equates to approximately a $4/acre assessment. Trosen added that the board will eventually need to do a wetland determination as well if the vote passes.
Commissioner-elect Richard Ruch suggested inviting landowners from whom right of way will be necessary to the Board's meeting on December 17. The Board directed Secretary/Treasurer Schmiess to work with Trosen to prepare a formal letter invitation to landowners to attend the Board's meeting on December 17 to discuss right of way for the project.

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 started working on this project yesterday.

Knutson Family Trust: The Knutson Family Trust owns property along Drain No. 12. The right of way documents in that area are older, through-and-across documents. The Knutsons are requesting the Board consider the possibility of more specifically identifying the right of way the Board needs for the drain (by survey), and conveyance of any "extra" right of way back to the Knutsons, at the Knutsons' sole expense. Sean Fredricks has indicated to the Board that Keven Kercher of Ohnstad Twichell represents the Knutson Family Trust, and provided a draft consent letter to the Board for consideration. The letter recognizes Fredricks' representation of the Board and Kercher's representation of the Knutson family and notes Ohnstad Twichell cannot and will not proceed with representation of both parties without consent from the Board and the Knutson family. This is a right of way clean-up proposal, at no cost to the Board, and the parties do not anticipate any disagreements between the parties but the consent letter notes that if the matter evolves into a dispute, Ohnstad Twichell would not represent either party. Manager Wyum moved

to approve the consent letter and to authorize Chairman Siemieniewski to sign the letter. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Short Foot Creek: Trosen said that all comments for the current draft plan have been reviewed by the NRCS National Water Management Center and at this point the project is in their hands to push forward.

Silver Lake Dam: Trosen noted that, because the estimated construction cost for this project is less than $250,000, the project does not require a public bidding process. Further, Trosen noted that the SWC does not require public bids for projects estimated to cost less than the public bidding threshold; however, conducting public bids improves the chances of SWC cost-share. Trosen suggested soliciting bids in the next few weeks, even though the Board would not award a contract until spring.

Tewaukon District:
No update.

Dam Inventory:
No update.

State Audit:
Schmiess indicated that the County agreed to pay the costs of the most recent state audit, for fiscal year 2022. However, moving forward, the County will require the SCWRD and the Dickey-Sargent Joint Board to pay for a portion of the costs of the audits.

NEW BUSINESS:

Complaint for Water-Related Issues filed by Marcia Asche/Karen Enderson/Logan Erickson against Scott and Jess Zirnhelt:
Ms. Asche, Ms. Enderson, and Logan Erickson filed an obstruction to drain complaint against the Ziernhelts. Ms. Zirnhelt recently submitted an email indicating the Zirnhelts' intention to file a drainage complaint against the complaining parties.

Sean Fredricks has indicated to the Board that Ohnstad Twichell Attorney Marshall W. McCullough represents the Zirnhelts on corporate matters, completely unrelated to this obstruction complaint. Fredricks provided a draft consent letter to the Board for consideration. The letter recognizes Fredricks' representation of the Board and McCullough's representation of the Zirnhelts on unrelated corporate matters and notes that, even though the unrelated matters do not create a technical conflict, Ohnstad Twichell will not proceed with representation of both parties without consent from the Board and the Zirnhelts. Manager Wyum moved to approve the consent letter and to authorize Chairman Siemieniewski to sign the letter. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

The Board asked the parties to explain the current situation. Logan Erickson alleged the Zirnhelts are plugging drains. Luverne Colby said that water crosses his land, then onto property owned by the Zirnhelts, and Colby has never heard a complaint from the Zirnhelts about this water so he was surprised by the complaint. Scott Zirnhelt said there are equalized culverts at the section line, and not drains, and alleged that the complaining parties have constructed unpermitted drainage. He also indicated that the township roads have been cut deep and that drains have been dug.

Attorney Sean Fredricks previously provided a list of elements that need to be reviewed in response to an obstruction complaint under N.D. Cent. Code § 61-16.1-51. The Complaint and analysis of the required elements will require an investigation by Moore Engineering. Moore's investigation will utilize LiDAR, topographic survey, & historical photos. Manger Stein moved to direct Moore Engineering to conduct an investigation of the obstruction complaint and to complete a written report. Manager Speich seconded the motion. Upon roll call, the motion carried unanimously.

In light of Ms. Zirnhelts' indication that they plan to submit a drainage complaint, Manager Wyum moved to direct Moore Engineering to conduct an investigation of the drainage complaint and to complete a written report, if the Zirnhelts submit a drainage complaint prior to the Board's December meeting. Manager Zetocha seconded the motion. Upon roll call, the motion carried unanimously.

Fredricks explained potential cost responsibilities of the parties under the complaint statutes. Manager Wyum encouraged the parties to work together to attempt to resolve the matter, without the necessity for any formal orders by the Board.

Bernie Planteen/David Fiala-Tiling Question:
Planteen and Fiala approached the Board with concerns regarding a tile project constructed by Brian and Randy Bergh; the project is substantially less than 80 acres. Planteen and Fiala allege the tile project is causing water issues on their land. Attorney Fredricks indicated that tile permits under 80 acres do not require a permit and that, therefore, the Board does not have any jurisdiction over this tile project and, if a party submitted a drainage complaint regarding the project, by law, the Board

would have to dismiss the complaint. Fredricks noted that if Planteen and Fiala allege they are being damaged by the project, they have a right to commence a private civil action for damages, but the board does not have any jurisdiction over this project and cannot order the project closed.

Dickey-Sargent Joint Board

DSJTB bills for approval:

DVEC – electricity –	$ 160.00
Ohnstad Twichell- bond redemption/correspond.	$ 306.00

September 2026 Financials:

Maintenance Account Balance:	$ 63,387.12
Improvement Account Balance:	$416,801.01

Richland-Sargent Drain #1 Maintenance Fund Financial Statement

Bills:

Moore Engineering-Construction staking	$ 1,651.25
Ohnstad Twichell-correspondence/rd. crossings	$ 150.50
Sargent County-3 culverts $1824/3 flap gates $2193.39 Bobcat $1800/Dirt $800/Gravel $400	$ 7,017.39
True North Steel-pipe $15,138/bands $652.80	$ 15,790.80
JBX-Drain clean out	$ 63,240.00

September 2026 Financials: $ 574,701.02

With no further business, the meeting adjourned at 9:43 a.m.

APPROVAL:

_____
Luke Siemieniewski-Chairman

ATTEST:

_____
Wendy Schmiess
Secretary-Treasurer