

Dickey County Water Resource Board Meeting

MEETING MINUTES

October 20, 2021

8:00 a.m.

The Dickey County Water Resource District met at the Court House in Ellendale, ND at 8:00 a.m. on Wednesday, October 20, 2021. Managers Steve Hansen, Keith Hauck, and Justin Gemar were all present at the Court House. Manager Haak, along with Chris Gross, the Board's engineer and Sean Fredricks, the Board's attorney joined via video conference. Erik Larson and Andy Lacina were also present.

Chairman Hansen called the meeting to order.

Tyler Hokana tile permit proposal

Application to Install a Subsurface Water Management System No. 2021-19 for Mary Ellen Ehresmann in the East Half of Section 14 in Elden Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2021-19* filed September 30, 2021, filed with the Board by Tyler Hokana on behalf of Applicant Mary Ellen Ehresmann. Under the Application, Applicant seeks to install a 290-acre drain tile system in the East Half of Section 14 in Elden Township, Dickey County, North Dakota. The project will include a single pump outlet that is located along the east boundary of the Southeast Quarter of Section 14; the pump will discharge directly into a natural drain that flows east, under 89th Avenue SE and flows south and east.

According to tax records supplied by Applicant, Mary Ellen Ehresmann owns the East Half of Section 14 of Elden Township where Applicant intends to install the tile system.

Manager Hauck moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2021-19* filed September 30, 2021, for Mary Ellen Ehresmann regarding a proposed tile project in the East Half of Section 14 in Elden Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-19, subject to the following conditions:

- 1) that Applicant install and maintain erosion protection at any and all outlets into the outlet into the natural drain in the Southeast Quarter of Section 14 or in Elden Township's right of way;
- 2) that Applicant re-establish any areas disturbed installing or maintaining Applicant's tile system;
- 3) that 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 East Half of Section 14 in

Elden Township under any blanket easements, or otherwise beyond the Water District's existing easement(s);

4) that Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Dickey County Water Resource District; and

5) that Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT No. 2021-19 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 District cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the District will recommend that Applicant comply with the following:

1) that Applicant obtain written permission from the Elden Township Board of Township Supervisors to discharge into or otherwise utilize any of its road right of way; and

2) 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. 2021-19, and Applicant's downstream flow map to the State Engineer's Office, Elden Township, downstream landowners, and Southeast Water Users District. Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Brian Vculek utility permit(joint board)

The Sargent County WRD approved a surface drainage permit for Brian Vculek regarding a project that will discharge into the Jackson project. The Dickey-Sargent Joint WRD previously approved a utility permit for Bernie Vculek for the same project and Brian Vculek requested permission to utilize Bernie's utility permit for the updated project. Chris Gross examined the proposed project and noted there could be differences in the two projects and, as a result, Sean recommended that Brian fill out a new permit in his name and submit it for approval and he has not done that yet. Sean will remind Brian to submit a new utility permit application.

American Rescue Funds

Sean gave an explanation of these funds that were awarded to the state for different projects proposals.

Yorktown Maple/DC Drain 1 priority discussion

The managers had lengthy discussion regarding priority to drain when Dickey County Drain 1 is full; when the Drain is full, the Yorktown Maple drain cannot be used until the gauge on 86th ST. has receded to a manageable level in accordance with the O&M plan for the project. Sean and Chris explained the Board

could require tile permittees to shut off their pumps if Drain 1 is full. The board decided to address issues as they arise.

Chris Gross addressed the board and let them know he has resigned his position at Moore Engineering. Chris and his team are working on a transition plan and will convey to the board who the new engineer for the board will be.

Financial Report

Secretary Hansen provided the following financial report:

Water Resource Board: Cash in Bank \$166,708.39

Savings \$100,000

Dickey County Drain #1: \$36,553.17

Oakes Pilot Drain: \$36,125.48

Yorktown Maple Bond: \$645,662.22

The board considered bills from Ohnstad Twichell of \$5846.16, Moore Engineering of \$1095.00, Judy Hansen of \$13.96, Avid Hawk, LLC of \$60.00 and Starion Bond Services of \$13230.00.

Manager Haak moved to approve the bills and financial report. Manager Hauck seconded the motion. On roll call vote, the motion carried unanimously.

Minutes Approval

Manager Hauck moved to approve the minutes to the September 15, 2021 meeting. Manager Gemar seconded the motion. On roll call vote, the motion carried unanimously.

There being no further business to discuss, the meeting was adjourned.

APPROVED:

Steve Hansen, Chairman

Attest:

Judy Hansen, Secretary